

**JOURNAL**

OF THE

**FOURTH BIENNIAL SESSION**

OF THE

**HOUSE OF REPRESENTATIVES.**

OF THE

**STATE OF ALABAMA.**

SESSION OF 1853-'54.

HELD IN THE

**CITY OF MONTGOMERY.**

WITH AN INDEX.

PREPARED BY THE SECRETARY OF STATE.

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# JOURNAL.

MONTGOMERY, ALA.,

Monday, November 14, 1853.

This being the second Monday in November, in the year of our Lord one thousand eight hundred and fifty-three, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the following members of the House of Representatives appeared in the Representative Hall of the State Capitol, were qualified and took their seats, to wit: From the county of

*Autauga.*—Bolling Hall.

*Baldwin.*—William Wilkins.

*Barbour.*—J. F. Comer, John Cochran and Paul McCall.

*Benton.*—William P. Davis, J. N. Wills and Asa Skelton.

*Bibb.*—James W. Davis.

*Blount.*—Enoch Aldridge and Wm. P. St. John.

*Butler.*—Thos. J. Burnett.

*Chambers.*—Daniel S. Robinson, Gibson F. Hill and Jesse B. Todd.

*Cherokee.*—James M. Clifton, G. W. Lawrence and H. C. Sanford.

*Choctaw.*—Edward McCall.

*Clarke.*

*Coffee.*—G. T. Yelverton.

*Conecuh.*—Andrew Jay.

*Coosa.*—W. Garrett and James H. Weaver.

*Covington.*—Alfred Holly.

*Dallas.*—Rob't S. Hatcher and Geo. C. Phillips.

*Dale.*—James C. Ward.

*DeKalb.*—M. C. Newman and Robt. Murphy.

*Fayette.*—E. W. Lawrence and A. M. Reynolds.

*Franklin.*—R. S. Watkins, R. B. Lindsey and Chas. A. Carroll.

*Greene.*—Richard F. Inge and A. Benners.

*Hancock.*—James Vest.

*Henry.*—Aaron Odom and J. L. Hays.

*Jackson.*—R. T. Scott, H. C. Cowan and Jas. M. Green.

*Jefferson.*—John Camp.

*Lauderdale.*—Leroy P. Walker.

*Lawrence.*—R. O. Pickett and David Hubbard.



*Lowndes.*—F. C. Webb and Walter Cook.

*Limestone.*—W. R. Hanserd and W. B. Allen.

*Macon.*—Chas. A. Abererombie, T. V. Rutherford and J. B.

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*Madison.*—D. C. Humphreys and Geo. W. Laughinghouse.

*Marengo.*—F. F. Foscue and M. W. Creagh.

*Marion.*—Wm. A. Musgrove.

*Marshall.*—James Fletcher and Frank Gilbreath.

*Mobile.*—Percy Walker, J. Bell, Jr., A. B. Meek and R. B. Owen.

*Monroe.*—N. A. Agee.

*Montgomery.*—James E. Belser and Thos. J. Judge.

*Morgan.*—J. W. Garth.

*Perry.*—J. G. Cole and E. G. Talbert.

*Pickens.*—J. D. Johnson and James Henry.

*Pike.*—W. J. McBryde, David H. Horn and James Farrior.

*Randolph.*—W. R. Newell and John Goodin.

*Russell.*—Hiram Nelms and A. T. Calhoun.

*Shelby.*—A. A. Sterritt and Thos. P. Lawrence.

*St. Clair.*—James Foreman.

*Sumter.*—John C. Whitsitt.

*Talladega.*—J. L. M. Curry, J. W. Bishop and N. G. Shelly.

*Tallapoosa.*—Harry Gillam, R. H. J. Holly and Benj. Gibson.

*Tuskaloosa.*—J. L. Martin and N. H. P. Brown.

*Walker.*—John Irwin.

*Washington.*

*Wilcox.*—Daniel J. Fox and Robert H. Irvin.

On motion of Mr. Hall of Autauga, Mr. Leroy P. Walker, of Lauderdale, was called to the chair.

And on motion of Mr. Gilbreath, Mr. Clitherall was appointed Clerk, *pro tem*.

The House then proceeded to the election of a Speaker, Mr. Garrett, of Coosa, being in nomination. There being no opposition, Mr. Garrett received ninety-three votes, being the whole number of votes given, was escorted to the chair by a committee composed of Messrs. Scott, Meek and Martin—was qualified and entered upon the duties of his office.

The House then proceeded to the election of a Principal Clerk, Alexander B. Clitherall, Malcolm D. Graham, J. F. Johnson, Thomas E. McIver and J. T. S. Park being in nomination. Those who voted for Mr. Clitherall, are:

Messrs. Aldridge, Bell, Benners, Brown, Carroll, Cole, Cowan, Fletcher, Garth, Gilbreath, Green, Hatcher, Henry, Hubbard, Irvin, Johnson, Lindsey, Martin, McCall of Barbour, McCall of Choctaw, Meek, Musgrove, Newman, Owen, St. John, Walker of Mobile, Watkins and Whitsitt.

Those who voted for Mr. Graham, are:

Messrs. Speaker, Agee, Allen, Bishop, Camp, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Foreman, Fos-

cue, Gibson, Gillam, Goodin, Hall, Hanserd, Hays, R. H. J. Holly, Inge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McBryde, Murphy, Nelms, Newell, Pickett, Reynolds, Sanford, Scott, Shelly, Skelton, Sterritt, Talbert, Walker of Lauderdale, Ward, Weaver, Wilkins and Wills.

Those who voted for Mr. Park, are:

Messrs. Abercrombie, Calhoun, Cook, Hill, Horn, Humphreys, Jay, Lawrence of Fayette, Odom, Robinson, Rutherford, Todd and Webb.

Those who voted for Mr. McIver, are:

Messrs. Creagh, Irvin and Fox.

Those who voted for Mr. Johnson, are:

Messrs. Belser, Burnett, A. Holly, Judge, Phillips, Vest and Yelverton.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to ballot the second time.

Those who voted for Mr. Clitherall, are:

Messrs. Aldridge, Bell, Benners, Brown, Carroll, Cole, Cowan, Fletcher, Garth, Gilbreath, Green, Hatcher, Henry, Hubbard, Irvin, Jay, Johnson, Lindsey, Martin, McCall of Barbour, McCall of Choctaw, Meek, Musgrove, Newman, Odom, Owen, Phillips, St. John, Walker, Watkins and Whitsitt.

Those who voted for Mr. Graham, are:

Messrs. Speaker, Abercrombie, Agee, Allen, Bishop, Camp, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Foreman, Foscue, Gibson, Gillam, Goodin, Hall, Hanserd, Hays, Hill, R. H. J. Holly, Horn, Mumphreys, Inge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, Murphy, Nelms, Newell, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Scott, Shelly, Skelton, Sterritt, Talbert, Todd, Walker of Lauderdale, Weaver, Ward, Wilkins and Wills.

Those who voted for Mr. Melver, are:

Messrs. Creagh, Irvin and Fox.

Those who voted for Mr. Park, are:

Messrs. Cook, Webb and Yelverton.

Those who voted for Mr. Johnson, are:

Messrs. Belser, Burnett, A. Holly, Judge and Vest.

Mr. Graham having received a majority of the whole number of votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected Principal Clerk of the House of Representatives for the term prescribed by law. He was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Assistant Clerk—Albert Elmore of Autauga, James H. Cooper of Chambers, and Wilkerson of Morgan being in nomination, those who voted for Mr. Elmore, are:

Messrs. Agee, Bell, Belser, Brown, Burnett, Camp, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Fox, Foscue, Gilbreath, Hall, Hill, A. Holly, Horn, Irvin, Inge, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Barbour, Meek, Musgrove, Newell, Newman, Odom, Owen, Reynolds, Robinson, Rutherford, Scott, Skelton, Sterritt, Talbert, Todd, Walker of Mobile, Weaver, Whitsitt, Wilkins, Wills and Yelverton.

Those who voted for Mr. Wilkerson, are:

Messrs. Speaker, Aldridge, Allen, Bishop, Carroll, Cowan, Fletcher, Garth, Green, Hanserd, Hubbard, Humphreys, Irwin, Lindsey, Martin, McCall, Pickett, St. John, Vest, Walker of Lauderdale, and Watkins.

Those who voted for Mr. Cooper, are:

Messrs. Abercrombie, Benners, Calhoun, Clifton, Foreman, Gibson, Gillam, Goodin, Hatcher, R. H. J. Holly, Jay, Johnson, Judge, Lawrence of Cherokee, Murphy, Nelms, Payne, Phillips, Sanford, Shelly, Ward and Webb.

Mr. Elmore having received a majority of the whole number of votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected Assistant Clerk of the House of Representatives for the term prescribed by law. He was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Engrossing Clerk—Messrs. Latham, Carden, Mead, Sassnett, Dillon, and Hogan being in nomination, those who voted for Mr. Latham, are:

Messrs. Allen, Benners, Carroll, Meek, Owen, Pickett, Robinson, Walker of Lauderdale, Walker of Mobile, Watkins and Yelverton.

Those who voted for Mr. Carden, are:

Messrs. Bishop, Curry, W. P. Davis, Foreman, Henry, Hubbard, Johnson, Lawrence of Cherokee, McCall of Choctaw, Murphy, Newman, Odom, Sanford, Whitsitt and Wills.

Those who voted for Mr. Mead, are:

Messrs. Cowan, Garth, Green, Hanserd, Humphreys, Laughinghouse, Lawrence of Fayette, Lindsey, Newell and Scott.

Those who voted for Mr. Dillon, are:

Messrs. Aldridge, J. W. Davis, Irvin of Wilcox, Gilbreath, St. John and Vest.

Those who voted for Mr. Sassnett, are:

Messrs. Speaker, Agee, Belser, Burnett, Camp, Cochran, Comer, Cook, Farrior, Foscue, Fox, Hall, Hays, Irvin of Walker, McBryde, McCall of Barbour, Musgrove, Reynolds, Sterritt, Talbert and Weaver.

Those who voted for Mr. Hogan, are:

Messrs. Abercrombie, Brown, Calhoun, Cole, Gibson, Gillam, Goodin, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Jay, Judge, Lawrence of Shelby, Martin, Nelms, Payne, Phillips, Rutherford, Shell, Todd, Webb and Wilkins.



Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to ballot a second time.

Those who voted for Mr. Latham, are:

Messrs. Allen, Carroll, Hanserd, Lindsey, Meek, Newman, Owen, Pickett, Walker of Lauderdale, Walker of Mobile, and Watkins.

Those who voted for Mr. Carden, are:

Messrs. Bishop, Clifton, Curry, W. P. Davis, Hubbard, Johnson, McCall of Barbour, Murphy, Rutherford, Skelton, Whitsitt, Wills and Yelverton.

Those who voted for Mr. Mead, are:

Messrs. Cowan, Garth, Green, Humphreys, Laughinghouse, Lawrence of Fayette, and Scott.

Those who voted for Mr. Dillon, are:

Messrs. Aldridge, Fletcher, Gilbreath, St. John and Vest.

Those who voted for Mr. Sassnet, are:

Messrs. Speaker, Agee, Bell, Brown, Burnett, Camp, Cochran, Cook, J. W. Davis, Irvin of Wilcox, Foscoe, Fox, Hall, Hays, McBryde, Musgrove, Reynolds, Sterritt, Talbert and Webb.

Those who voted for Mr. Hogan, are:

Messrs. Abercrombie, Belser, Benners, Calhoun, Cole, Greagh, Foreman, Gibson, Gillam, Goodin, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Choctaw, Nelms, Odom, Payne, Phillips, Robinson, Sanford, Shelly, Todd, Ward, Webb and Wilkins.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to ballot third time, the name of Mr. Dillon being withdrawn.

Those who voted for Mr. Latham, are:

Messrs. Allen, Burnett, Carroll, Cochran, J. W. Davis, Hanserd, Hubbard, Lawrence of Fayette, Lindsey, McCall of Barbour, Meek, Musgrove, Owen, Pickett, Reynolds, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Whitsitt.

Those who voted for Mr. Carden, are:

Messrs. Bishop, Clifton, W. P. Davis, Fletcher, Gilbreath, Hays, Murphy, Newman, Skelton and Wills.

Those who voted for Mr. Mead, are:

Messrs. Aldridge, Cowan, Farrior, Garth, Green, Humphreys, Laughinghouse, Scott and St. John.

Those who voted for Mr. Sasnett, are:

Messrs. Speaker, Agee, Bell, Camp, Cook, Foscoe, Fox, Hall, Irwin, McBryde, Newell, Sterritt, Talbert and Weaver.

Those who voted for Mr. Hogan, are:

Messrs. Abercrombie, Belser, Benners, Calhoun, Comer, Cole, Creagh, Foreman, Gibson, Gillam, Goodin, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Choctaw, Nelms,

Odom, Payne, Phillips, Robinson, Rutherford, Sandford, Shelly, Todd, Ward, Webb, Wilkins and Yelverton.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to ballot a fourth time.

Those who voted for Mr. Latham, are:

Messrs. Agee, Allen, Burnett, Carroll, Fletcher, Foscue, Fox, Hanserd, Henry, Hubbard, Irvin, Irwin, Johnson, Lawrence of Fayette, Lindsey, McBryde, Meek, Musgrove, Owen, Pickett, Reynolds, Vest, Walker of Lauderdale, Walker of Mobile and Watkins.

Those who voted for Mr. Carden, are:

Messrs. Clifton, Curry, W. P. Davis, Gilbreath, Murphy, Newman, Skelton and Wills.

Those who voted for Mr. Mead, are:

Messrs. Aldridge, Cochran, Cowan, Garth, Green, Humphreys, Laughinghouse, Scott, St. John and Yelverton.

Those who voted for Mr. Sassnett, are:

Messrs. Speaker, Bell, Bishop, Cook, J. W. Davis, Farrior, Hall, Nelms, Sterritt, Talbert, Weaver and Whitsitt.

Those who voted for Mr. Hogan, are:

Messrs. Abercrombie, Belser, Benners, Brown, Camp, Calhoun, Cole, Greagh, Comer, Foreman, Gibson, Gillam, Goodin, Hatcher, Hays, R. H. J., Holly, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Nelms, Odom, Payne, Phillips, Robinson, Rutherford, Sandford, Shelly, Todd, Ward, Webb and Wilkins.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to ballot a fifth time.

Those who voted for Mr. Latham, are:

Messrs. Agee, Allen, Bell, Burnett, Carroll, Fletcher, Foscue, Hanserd, Henry, Hubbard, Irvin of Wilcox, Irwin of Walker, Johnson, Lindsey, McBryde, McCall of Choctaw, Meek, Musgrove, Newell, Owen, Pickett, Reynolds, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Whitsitt.

Those who voted for Mr. Carden, are:

Messrs. Aldridge, Bishop, Clifton, W. P. Davis, Gilbreath, Green, Murphy, Newman, Skelton, St. John and Wills.

Those who voted for Mr. Mead, are:

Messrs. Cowan, Fox, Garth, Hays, Humphreys, Laughinghouse, and Scott.

Those who voted for Mr. Sassnett, are:

Messrs. Speaker, Cochran, Hall, Lawrence of Fayette, Sterritt, Talbert and Weaver.

Those who voted for Mr. Hogan, are:

Messrs. Abercrombie, Belser, Benners, Brown, Camp, Calhoun, Cole, Comer, Creagh, Curry, J. W. Davis, Farrior, Gibson, Gillam,

Goodin, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, Nelms, Odom, Owen, Payne, Phillips, Robinson, Rutherford, Sanford, Shelly, Todd, Ward, Webb, Wilkins and Yelverton.

Neither of the candidates having received a majority of the whole number of votes of given, the House proceeded to a sixth ballot, the name of Mr. Sassnett being withdrawn.

Those who voted for Mr. Latham, are:

Messrs. Agee, Allen, Bell, Burnett, Carroll, Fletcher, Foscue, Garth, Hubbard, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, Meek, Musgrove, Newell, Owen, Pickett, Reynolds, Robinson, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Whitsitt.

Those who voted for Mr. Carden, are:

Messrs. Clifton, Cochran, W. P. Davis, Gilbreath, Hall, Johnson, Murphy, Newman, Skelton, Wills and Yelverton.

Those who voted for Mr. Mead, are:

Messrs. Speaker, Aldridge, Cowan, J. W. Davis, Fox, Green, Hanserd, Hays Humphreys, Irvin of Wilcox, Laughinghouse, Scott, St. John, Talbert and Weaver.

Those who voted for Mr. Hogan, are:

Messrs. Abercrombie, Belser, Bishop, Brown, Camp, Calhoun, Cole, Comer, Creagh, Curry, Farrior, Gibson, Gillam, Goodin, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Nelms, Odom, Payne, Phillips, Rutherford, Sanford, Shelly, Sterritt, Todd, Ward, Webb and Wilkins.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to a seventh ballot.

Those who voted for Mr. Latham, are:

Messrs. Agee, Allen, Bell, Burnett, Carroll, Foscue, Hubbard, Irwin of Walker, Johnson, Lawrence of Fayette, Lindsey, McBryde, Meek, Musgrove, Newell, Owen, Pickett, Skelton, Vest, Walker of Lauderdale, Walker of Mobile, and Watkins.

Those who voted for Mr. Carden, are:

Messrs. Speaker, Clifton, W. P. Davis, Gilbreath, Hall, Murphy, Newman and Wills.

Those who voted for Mr. Mead, are:

Messrs. Aldridge, Cochran, Cowan, J. W. Davis, Fox, Garth, Green, Hanserd, Hays, Humphreys, Irvin of Wilcox, Laughinghouse, Reynolds, Scott, St. John, Talbert, Weaver and Whitsitt.

Those who voted for Mr. Hogan, are:

Messrs. Abercrombie, Belser, Benners, Bishop, Brown, Camp, Calhoun, Cole, Comer, Creagh, Curry, Farrior, Fletcher, Foreman, Gibson, Gillam, Goodin, Hatcher, Henry, Hill, R. H. J. Holly, A.



Messrs. Speaker, Bishop, Cochran, Comer, Curry, J. W. Davis, Foscue, Fox, Hays, McCall of Barbour, Odom, Scott, Sterritt, Weaver and Webb.

Those who voted for Mr. Ramsey, are :

Messrs. Aldridge, Cowan, Gilbreath, Goodin, Humphreys, Murphy, Musgrove and Newman.

Those who voted for Mr. Shuford, are :

Messrs. Bell, Belser, Clifton, W. P. Davis, Foreman, A. Holly, Judge, Skelton, St. John and Wills.

Neither of the candidates having received a majority of the whole number of votes given, the House proceed to ballot a second time.

Those who voted for Mr. Brundidge, are :

Messrs. Agee, Allen, Belser, Burnett, Calhoun, Carroll, Cole, Cook, Creagh, Garth, Gibson, Green, Hall, Hanserd, Hill, Horn, Hubbard, Irvin of Wilcox, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Martin, McBryde, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Shelly, St. John, Talbert, Todd, Vest, Walker of Lauderdale, Ward and Watkins.

Those who voted for Mr. Owen, are :

Messrs. Abercrombie, Benners, Brown, Camp, Comer, Cowan, Farrior, Gillam, Hatcher, Hays, Henry, R. H. J. Holly, Inge, Irwin of Walker, Johnson, Lawrence of Shelby, McCall of Choctaw, Meek, Owen, Phillips, Walker of Mobile, Whitsitt, Wilkins and Yelverton.

Those who voted for Mr. Griffin, are :

Messrs. Speaker, Bishop, Cochran, Curry, J. W. Davis, Foscue, Fox, McCall of Barbour, Scott, Sterritt, Weaver and Webb.

Those who voted for Mr. Ramsey, are :

Messrs. Aldridge, Fletcher, Gilbreath, Goodin, Humphreys and Lindsey.

Those who voted for Mr. Shuford, are :

Messrs. Bell, Clifton, W. P. Davis, Foreman, A. Holly, Murphy, Newman, Skelton and Wills.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to ballot a third time, the name of Mr. Ramsey being withdrawn.

Those who voted for Mr. Brundidge, are :

Messrs. Agee, Allen, Belser, Burnett, Calhoun, Carroll, Cole, Comer, Cook, Creagh, Garth, Gibson, Gilbreath, Green, Hall, Hanserd, Hays, Hill, Horn, Hubbard, Humphreys, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Martin, McBryde, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, St. John, Talbert, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Whitsitt and Yelverton.

Those who voted for Mr. Owen, are :

Messrs. Abercrombie, Benners, Brown, Camp, Comer, Gillam, Hatcher, Henry, R. H. J. Holly, Inge, Irwin of Walker, Johnson, Lawrence of Shelby, McCall of Choctaw, Meek, Owen, Phillips and Wilkins.

Those who voted for Mr. Griffin, are:

Messrs. Speaker, Aldridge, Bishop, Cochran, Curry, J. W. Davis, Fletcher, Foscue, Fox, Goodin, McCall of Barbour, Scott, Shelly, Sterritt, Weaver and Webb.

Those who voted for Mr. Shuford, are:

Messrs. Bell, Clifton, W. P. Davis, Foreman, A. Holly, Murphy, Newman, Skelton and Wills.

Mr. Brundidge having received a majority of the whole number of votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected Door-Keeper of the House of Representatives for the term prescribed by law. He was qualified and entered upon the discharge of the duties of his office.

A message was received from the Senate by Mr. Phelan, Secretary, informing the House that the Senate had organized, by the Election of the Hon. Wm. B. Martin, of Benton, President; Joseph H. Phelan, Principal Secretary; David L. Nicholson, Assistant Secretary, James C. Austin, Door-Keeper, and that they are now ready to proceed to business.

Mr. W. P. Davis, with leave, introduced a bill to exempt certain property from levy and sale: which was read the first time.

Mr. Sterritt, moved to suspend the constitutional rule, in order to give said bill a second reading forthwith; said motion was lost, and said bill was ordered to a second reading on to-morrow.

Mr. Foscue offered the following resolution, which was adopted:  
*Resolved*, That Editors and Reporters for the press be allowed seats within the bar of the House.

And then the House adjourned until to-morrow morning 10 o'clock.

NOVEMBER 15, 1853.

House met pursuant to adjournment.

E. S. Thornton from the county of Clarke, James R. Yeldell from the county of Butler, William Rhodes from the county of Lauderdale, and E. H. Gordy from the county of Washington, Representatives elect, appeared within the bar of the House, were qualified and took their seats.

Mr. Camp offered the following resolution:

*Resolved*, That the chair appoint the following standing committees, to wit:

A Committee of the Judiciary and New Code;

" " on Federal Relations;

" " Privileges and Elections;

" " Internal Improvements;

" " Propositions and Grievances;

## A Committee on Enrolled Bills;

- " " " The State Capitol;
- " " " The Sixteenth Section Fund;
- " " " The University;
- " " " Public Printing;
- " " " Accounts and Claims;
- " " " Ways and Means;
- " " " Retrenchment;
- " " " The Military;
- " " " Education;
- " " " Agriculture;
- " " " Divorce and Alimony;
- " " " Roads, Bridges and Ferries;
- " " " Corporations;
- " " " State Banks and Branches;
- " " " Banks and Banking;
- " " " The Penitentiary.

Mr. Walker of Mobile, moved that said resolution be amended as follows:

That the members to be appointed on the Judiciary Committee shall be excused from serving on any other committee, and that all propositions to repeal, alter or amend the Code, shall be referred to said committee; which, after some discussion, was withdrawn by Mr. Walker, with the consent of the House.

Mr. Hall moved to lay said resolution on the table for the time being, in order to enable him to introduce a resolution, informing the Senate of the organization of the House; which was carried.

Mr. Hall then offered the following resolution: which was adopted.

*Resolved*, That the Senate be informed that the House of Representatives has been organized, by the election of the Hon. William Garrett of Coosa, Speaker, Malcom D. Graham, Principal Clerk; Albert Elmore, Assistant Clerk; James A. Hogan, En-grossing Clerk, and James B. Brundidge, Door-Keeper.

Mr. Hall offered the following resolution; which was adopted.

*Resolved*, That the chair appoint a committee, of three, to act with a like committee on the part of the Senate, to wait on his Excellency, the Governor, and inform him that the two Houses have organized, and are now ready to receive any communication he may have to lay before them.

Messrs. Hall, Scott and Martin were appointed said committee.

Mr. Hall then moved to take from the table the resolution offered by Mr. Camp; which was carried.

Mr. Cochran then moved to amend said resolution, by striking from the Judiciary Committee the word "Code," and insert in lieu thereof "a committee on the Code."

Mr. Camp accepted the amendment.

Mr. Johnson offered the following resolution:



*Resolved*, That a committee be raised on the part of the House to act with a like committee on the part of the Senate, to whom shall be referred all proposed amendments to the Code of Alabama, and that the two Houses will act finally on no proposition amending the Code before a report shall have been made by said committee, and that no proposition to amend the Code shall be received by either House after the 15th day of January, 1854.

Mr. Hall moved to strike out the proposition to raise a committee on the Code.

Mr. Humphreys moved to strike out "the committee on the Code;" which was carried.

The question then recurred on the resolution offered by Mr. Camp; when said resolution was adopted.

Mr. Hall offered the following resolution; which was adopted.

*Resolved*, That the rules adopted by the House of Representatives at its last session for its government, be adopted for its government at this session, until otherwise ordered, and that one hundred and thirty-three copies be printed.

A message was received from the Senate by Mr. Nicholson, their Assistant Secretary, informing the House that the Senate had concurred in the resolution from the House appointing a committee to wait on his Excellency, the Governor, and that Messrs. Frazier, Webb and Bethea constituted the committee on the part of the Senate.

The following message was received from the Senate by Mr. Phelan:

Mr. Speaker: The Senate has passed a bill to be entitled an act to exempt certain property from sale and execution, in which the concurrence of the House is requested; said bill was read and ordered to a second reading on to-morrow.

Mr. Belser presented the Treasurer's Report for the two years ending the 1st November, 1852, and 30th of September, 1853.

Mr. Belser moved that said Report be laid upon the table, and that two thousand copies of the same be printed; which was carried.

The committee appointed to wait upon his Excellency, the Governor, reported that they had discharged the duty assigned them, and that at 12 M. his Excellency would communicate to the House his biennial Message.

#### *Bills Introduced by*

Mr. Aldridge, to be entitled an act to repeal so much of the Code of Alabama which prohibits certain persons from sitting on juries.

Mr. Hall, to amend the Code.

Mr. Whitsitt, an act to authorise Circuit Judges and Chancellors to practice as attorneys in certain cases.

Mr. P. Walker, a bill to be entitled an act making copies of Deeds evidence in certain cases.

Mr. Percy Walker, a bill to be entitled an act to regulate the sale of slaves.

Mr. Humphreys, a bill to be entitled an act to amend an act to incorporate the Northern Bank of Alabama.

Mr. Humphreys, a bill to be entitled an act to authorise the removal of the administration on the estate of Robert J. Coles, deceased, late of the county of Jackson, from the Court of Probate of said county of Jackson, to the Court of Probate of Madison county.

Mr. Humphreys, a bill to be entitled an act to change the name of certain persons.

Mr. Percy Walker, a bill to amend the act incorporating the Mechanics' Saving Company of Mobile, approved February 7th, 1852.

Mr. Cook, a bill to be entitled an act for the relief of persons therein named.

Mr. Watkins, a bill to be entitled an act to regulate Sheriff's sales in the county of Franklin.

Mr. Garth, a bill to be entitled an act to change the name of certain persons therein named.

Mr. Hays, a bill to be entitled an act to amend the law in relation to Grand and Petit Jurors.

Mr. Henry, a bill for the relief of John C. Hall.

Mr. Gilbreath, to repeal a certain act therein named.

Mr. Cochran, a bill to be entitled an act for the benefit of tax payers.

Mr. Horn, a bill to be entitled an act to increase the pay of Grand and Petit Jurors in the county of Pike.

Mr. St. John, a bill to be entitled an act to repeal so much of the Code of Alabama as prohibits the circulation of Bank Bills of other States of less denomination than five dollars.

Said bills were severally read and ordered to a second reading.

Mr. Agee offered the following resolution:

*Resolved*, That in addition to the Standing Committees of the House, the chair shall appoint a Committee on the Code, to act with a like committee on the part of the Senate, to whom shall be referred all bills and propositions to alter, amend or repeal any of the provisions of the same, and that the House shall take no final action on said proposition till said committee shall report by bill or otherwise.

Mr. Shelly moved to take up the resolution of Mr. Johnson, and moved it as a substitute for the resolution of Mr. Agee.

Mr. Curry moved to strike out the 15th of January and insert the 15th of December.

Mr. Percy Walker moved to lay the resolution on the table; the motion prevailed.

The hour of 12 M. having arrived, the Governor's Message was received; which is as follows:

*Gentlemen of the Senate and House of Representatives:*

You have assembled in obedience to law, to deliberate upon the interests of the State—to maintain its integrity and honor—to direct the expanding spirit of progress, and, so far as it may be deemed expedient, to exercise the functions of Legislation. In the performance of these high duties, I pledge you my zealous co-operation to the extent to which judgment and conscience will permit.

The last year was one of unsurpassed prosperity. The three great departments, Agriculture, Manufactures and Commerce, received an ample return for the industry and skill they employed. Within the present year the husbandman throughout our borders will not, perhaps, have reaped a harvest alike remunerating, but we have an assurance that the demands of reason, if not avarice, will be fully satisfied.

During the last year disease and death visited our people in some localities, with unrelenting violence. This year they have extended the area of their domain, walking not only in darkness, but wasting at the morning's dawn, in the brightness of noon, and at the close of day. In their devastating course, they have spared neither race, age, sex nor condition. Death! insatiable in his demands, has sent countless victims to the grave, casting he mantle of mourning not only over families, but clothing with the habiliments of grief, whole communities. Thus verifying the exclamation, "All flesh is as grass, &c." How forcible the admonition! "Be ye also ready, &c."

We have been recently called to deplore the death of a long honored statesman of Alabama. All that is mortal of the Hon. Wm. R. King, Vice President of the United States, reposes in the silence of the grave. The entire nation honored him for his conservative principles—his expansive patriotism—his frank and generous bearing—his practical knowledge and reliable judgment, to say nothing of the attainments which gave an imposing finish and dignity to the man. Throughout this vast confederacy unusual demonstrations of respect and esteem have been paid to his memory. I felt it due to the people of this State to express their sorrow, by craping the capital in mourning, and causing the usual salute to be fired at the dawn and close of the day. It remains for you to consider whether some enduring memorial of the estimate in which he was held by his adopted State should not have a place among our archives.

Turning from these melancholy, though to some extent pleasurable reflections, which it is difficult to limit, I address myself to the topics that will most probably be considered during your present session.

## INTERNAL IMPROVEMENTS.

In my communications of December, 1849, and November, 1851,



I expressed my views quite at length upon the propriety of encouraging the improvement of the navigation of our rivers and the construction of Rail Roads, Plank Roads and other facilities of inter-communication. Since the last session of the General Assembly, and especially within the present year, the subject has received a new impulse. Several Rail Roads in the course of construction have received such aid, by subscriptions of stock or otherwise, as place their completion beyond contingency, and within a reasonable time. Other roads of much importance, not only to the people of this State, but to our sister States, have been projected under circumstances that furnish the most encouraging assurance that their construction will be entered upon, and pressed forward with all the energy due to such interesting enterprises.

The work upon the Mobile and Ohio, the Memphis and Charleston, the Alabama and Tennessee River, and the Girard Rail Roads, have progressed even beyond the most favorable expectations we entertained two years ago. All these works have invited such an amount of capital to their aid, that their progress must be continuously onward. I have heretofore spoken of the three former in reference to the country over which they passed, and the points they connect. The latter commences upon the Western bank of the Chattahoochee at a point opposite the city of Columbus, Ga., passes through Russell and across the Southern part of Macon, by way of Union Springs—perhaps over the Northern part of Pike and the South-eastern corners of Montgomery and Lowndes—thence through Butler, by or near Greenville, over the Northern part of Conecuh and across Monroe, crossing the Alabama and Tombigbee at such points, above or below their junction as interest or convenience may dictate, and onward to connect with the Mobile and Ohio Rail Road. This road will traverse an interesting country, the greater part of which, secluded and remote from our large rivers and the lines of travel and commerce, has been hitherto much underrated. Portions of it produce large quantities of cotton. When the road is completed, all of it will exhibit a higher development of Agricultural resources; added to which, it is unsurpassed if not unequalled, by any part of our State for fine timber and material for naval stores—both of which have become important objects of trade, and promise extraordinary enlargement. The increasing intercourse for observation, commerce and other purposes, between the Atlantic and Gulf States—the expansion and growing activity of the country, must make this road a most important auxiliary of communication between the East and the West.

I observe through the press that it is proposed to connect the city of Montgomery with this road, by a Rail Road running thence to Union Springs, which may, perhaps, be extended to Eufaula. This road would pass over a fine cotton growing country, susceptible of much greater improvement than it has received—

the South-eastern portion of which will furnish large quantities of lumber.

Rail Roads have also been projected from Montgomery, to connect with the Alabama and Tennessee River Rail Road, a few miles North of Selma, and again a few miles North-east of Montevallo. This latter connection proposes to take Wetumpka in its route, and to be extended across the Alabama and Tennessee River Rail Road, to connect some ten or fifteen miles North of Montevallo, with a road which it is supposed will be constructed from North Alabama. So it is proposed to construct a line of Rail Road from Wetumpka to the Montgomery and West Point Rail Road at a point South-east or East of Tallassee. The two former of these lines would traverse a country, a portion of which produces cotton very well—the greater part is well set with a valuable forest growth—the North-western part furnishes iron ore, coal and limestone; and all of it will grow provisions sufficient for the consumption of a greatly increased population. The latter road would pass over a valuable forest, and across a water-fall of almost unlimited power and adaptation, hardly second to any in the United States, taking into consideration every important element of value.

Under an act "to incorporate the Cahaba Valley Rail Road Company," it is proposed to construct a road from the Alabama and Tennessee River Rail Road at or near Montevallo, through Shelby and St. Clair counties to some point at or near Gadsden, where it will again unite with the same road. And I learn through the Press that a company has been organized under an act of the last session, "to charter the Wills Valley Rail Road Company," the purpose of which is to extend a Rail Road from the Northern terminus of the Cahaba Valley Road to the Georgia line, in a direction to intersect the Georgia and Tennessee Rail Road at some convenient point in Lookout Valley.

Both these roads would pass through a country producing fine fruits and an abundance of provisions, the production of which could be increased to a great extent. They present much of Mountain and Valley scenery, both beautiful and romantic—finely watered, with a considerable proportion of rich land, which would produce not only the usual grains, but grasses. All these making it one of the most interesting and attractive portions of the State, especially as a resort for health—for growing provisions and raising stock.

Along and contiguous to these routes, are lands that yield cotton very well, and with greater certainty than it is produced in the rich cotton-growing districts; and the lines pass over or near beds of coal, limestone, iron ore, and perhaps marble and other valuable rocks and minerals.

This description of the country proves that these roads would be valuable for commercial purposes, and their termini indicate their importance as lines of travel.

It has been announced through the newspapers that a company has been organized under the Act of February, 1850, "to incorporate the Alabama and Georgia Rail Road Company." This road is to be run from Jacksonville or some other point in its vicinity on the Alabama and Tennessee River Rail Road, in the direction of Rome, Georgia, and contemplates a connection with the latter town, by a road to be extended from thence to meet it. This road would furnish a connection between the extreme North-eastern and Southern part of this State and open a more direct intercourse between Northwestern Georgia, East Tennessee and the Valley of Virginia, and Mobile and the Gulf generally. The districts of country thus brought into communication with us, would send to market immense quantities of fruits, provisions, live stock, iron and many other articles of value and take back in return, not only groceries but cotton and other merchandise. Thus furnishing certain supplies, if need be, of many indispensable articles to a large portion of our State, and enabling Mobile, with her receipts from the Mobile and Ohio Rail Road to become an exporter of provisions to a large amount. This road, instead of being considered with distrust, should be most favorably regarded.

A Rail Road has been projected from Montgomery to Pensacola, by companies organized under charters enacted by the Legislatures of Alabama and Florida, the route for which, I learn from the newspapers, has been examined and partially surveyed. The amount of stock subscribed, and the energy manifested, indicate that these companies contemplate a speedy completion of their work. This road will pass through the Southern portion of Montgomery county, across Lowndes and Butler, perhaps touching the North-west corner of Covington, through Conecuh and into Florida. The country over and near which this line will run, is much of it productive of cotton, corn and other provision crops—the remainder grows abundant material for lumber and naval stores. It is perhaps desirable that our products should find an outlet to a foreign market through our own sea-port; but if any of our people in the interior wish to establish a direct communication with other ports, so far as it depends upon our Legislation, let us promptly grant every facility. However much of selfishness, individuals may exhibit, let us act upon the principle that the manifestation of such a feeling is unworthy of Legislators professing to be controlled by an enlightened policy. More especially should we favor this road, as it will connect us with a harbor, if not superior, certainly not second to any on the Gulf or its tributaries, and with a Navy Yard of growing importance.

During the present year a strong feeling has manifested itself to connect North and South Alabama by a more direct communication than any of the charters heretofore granted contemplate. Many primary meetings and several Conventions of Delegates

from quite a number of counties, have been held, and numerous attended, for the purpose of enlightening and uniting public opinion and action in this most interesting project. The result of the deliberations of these conventions, I believe, is an agreement to recommend the construction of a Rail Road from a point at or near Beard's Bluff on the Tennessee River, in Marshall, to Elyton, in Jefferson county—leaving Eastern, Middle and Western Alabama to connect with it at its South-western terminus, or elsewhere as may be deemed most expedient.

In a social, commercial and political point of view, this would be a road of the first importance. It would introduce North and South Alabama to each other—sections at present detached, in which the masses of each have but little intercourse with the other. Indeed, they are comparatively strangers, though they live under the same government and are amenable to the same laws. That this great improvement would create a community of feeling and interest, and a sense of mutual dependence cannot be doubted, while at the same time it would furnish facilities for trade, which would be made available, to an extent greatly productive of the interest of both sections.

This road, it is supposed from partial explorations, would pass through valleys of land, finely watered, contiguous to valuable minerals, and producing grain and fruits in great abundance, and which, under a proper system of cultivation, would yield a certain and fair crop of cotton. These valleys, it is said, are connected by passes through the hills that separate them, and that the road might be located so as to require no deep cuts, nor bridges of any great extent.

The conventions at Elyton and Tuscaloosa, by a unanimous vote or a large majority, were of opinion that as this road was so interesting to all our people, its construction should be undertaken by the State; the more especially as the country through which it passed, though generally thrifty, was unable to give much assistance to the undertaking.

If the three per cent. fund, with its supposed accumulations, heretofore invested in stock of the Bank of the State, were re-invested in stock of this road, and Congress shall grant the public lands as liberally as we have reason to expect, there can be no doubt but it would be for the public interest, even in a pecuniary point of view, to make it a State enterprise. It would doubtless require an advance of money from the Treasury, but this would be reimbursed by the sale of the lands and the receipts from the road, to say nothing of the great public benefits that would result.

I observe that a connection between the State Road at Elyton and the Cahaba Valley Rail Road at or near Ashville, is contemplated, so as to afford the most direct communication between Elyton, as a focal point, and Chattanooga and the country East and North.

It is also proposed to extend a Rail Road from Elyton, by way of Tuscaloosa and Eutaw, crossing the Tombigbee at or near Bluff Port, and onward by way of Livingston, to connect with the Mobile and Ohio Rail Road where it is crossed by the Alabama and Mississippi Rivers Rail Road.

If the proceedings of popular meetings and publications through the Press, are significant of the opinions and actions they enunciate, (and I do not doubt them,) then a Rail Road will most probably be constructed from the city of Tuscaloosa, through Pickens county, to Macon, Mississippi. The people of Gainesville, and the country East and West of that town, declare their purpose to be connected with the line to Elyton, and also with the Mobile and Ohio Rail Road at such points as may be deemed most proper.

The road from Elyton to Tuscaloosa would traverse a country, a portion of which is productive—much of it abounding in valuable timber and exceedingly rich in coal and iron, with a sufficiency of lime for all ordinary purposes. West of Tuscaloosa the contemplated roads pass over or are contiguous to some of the most productive cotton lands in Alabama and Eastern Mississippi. These roads, with those crossing the State South of them, would develop the wealth of West Alabama South of the mountains, and perhaps afford all desirable facilities of travel between the East and the West across the State.

Under the act as amended, to "incorporate the Alabama and Mississippi Rivers Rail Road Companies," a company has been organized and subscriptions of stock obtained, for the construction of a road, commencing in the city of Selma, passing through Uniontown, and onward in the direction of Jackson, Mississippi. The greater part, perhaps all the grading between the two former points, is already under contract, and the work seems to progress with energy. This road, I believe, is intended to constitute a part of the route between West Point and Montgomery on the East, and Brandon, Jackson and Vicksburg on the West—traverses the most productive cotton lands in this State, and promises to be the great line of travel between the commercial cities of the Carolinas and Georgia and the great marts of the Gulf. Besides, its Western *terminus* will most probably connect with one of the South-eastern termini of the Atlantic and Pacific Rail Road, assuming that this great enterprise will be pushed forward by the demands of the commerce of the world and the capital and energy of our people.

The brief description I have given of the locality of this road, is sufficient to show that the wants of the country require its speedy completion, and that it would be strange if, with almost incalculable wealth contiguous to it, its construction were delayed for the want of means.

I have also read from the newspapers, notices of subscriptions for stock to a large amount, and the organization of a company



under the act of the last session, "To incorporate the Mobile and New Orleans Rail Road Company." I am not informed whether the construction of this road has been commenced, or what steps, other than I have stated, have been taken towards its initiation; but the growing importance of the two great cities of the Gulf must force its construction.

The face of the country between Mobile and New Orleans, I assume, is such as to require few or no deep cuts, and the soil light, sandy and easy of excavation, making the culverts and bridges the heaviest work, preparatory to the superstructure. The intervening country being much of it dry, sandy and sufficiently elevated, must furnish delightful locations for the residences of persons doing business in these cities.

A Rail Road is now in a course of construction from the city of Columbus, Georgia, or from the town of Girard, immediately opposite to that city, on the West bank of the Chattahoochie, to connect with the Montgomery and West Point Rail Road at or near Opelika. The completion of this road will connect Montgomery with Savannah.

It is supposed that the Rail Road now being constructed from New Orleans by way of Jackson, Mississippi, to Aberdeen, will be extended to Tusculumbia and Florence, to be connected at the latter place with a Rail Road to be made therefrom to meet at the Tennessee line; a Rail Road now being constructed from Nashville by way of Franklin, Columbia and Lawrenceburg. In its entire route this would be an important road, furnishing a convenient line of travel for an extensive, rich and interesting section of country, and transportation for cotton, provisions, live stock, iron, (which would be manufactured in the North-western part of this State and in the Southern part of Tennessee,) with many other articles of commerce.

In addition to these grand projections for the improvement of our State, I have within the last few months read from the newspapers proceedings of public meetings, editorials, and perhaps other communications manifesting a strong disposition to connect the town of Decatur by a Rail Road passing through or near Athens, and Pulaski, in Tennessee, with the Nashville and Florence Road; to construct a Rail Road from Decatur to Elyton; and also, to extend a Rail Road from Decatur across North-eastern Alabama to Griffin, in Georgia, or some other point connected by Rail Road with Savannah. Whether any steps have been taken towards a survey or commencement of these roads, I am wholly uninformed.

I believe I have referred to all the roads in progress, or which the press has represented are seriously contemplated, except those intended to connect Marion and Greensborough with the Alabama and Mississippi Rivers Rail Road. If I have omitted any, it is with no intention to disparage, but has been occasioned by forget-

fulness or a want of information. What I have written has been dictated with the impartiality due to truth. I have considered myself a citizen of Alabama in its length and breadth, indifferent to personal interest or local attachment.

The construction of Rail Roads commensurate with the probable expansion of business and travel would quicken industry by adding new incentives to effort—increase the objects of commerce to an incalculable extent by facilitating and cheapening transportation. They would stimulate the manufacture of almost every article of value, in which the South, for we have the raw materials. Instead of investing the proceeds of our cotton crops, in increasing to an unprofitable extent the producing force on our plantations, our planters would invest their surplus funds in the manufacture of iron, cotton, wool and such other branches of industry, as promise to yield a compensating profit. Becoming manufacturers, as a necessary consequence, we would become exporters of whatever we manufactured beyond our home demand.

The extension of Rail Roads throughout the Union and the consequent cheapening of intercommunication, and the astonishingly rapid expansion of the commerce of the Gulf, and the farther West, would by a corresponding increase of travel, make the different sections of the Union much better acquainted, with each other, produce a homogeneousness of feeling—remove sectional strife and add stability to the confederacy. This consummation being effected with the preservation of the Constitution inviolate, our moral power and grandeur as a sisterhood of sovereignties, would place us quite in advance of any people of whose history speaks.

Various modes of rendering State aid in the construction of Railroads have been suggested, and still no plan has been agreed on by the friends of such a measure. Some have proposed that the Legislature shall enact a general law providing for the endorsement of the bonds of each company, for a sum proportioned to the number of miles they have graded. While others insist that the State should endorse the bonds upon being indemnified against the consequence of the company's default, without reference to the work done on the road.

Whether either of these plans are expedient, it is needless to inquire. In my judgment they do not sufficiently commend themselves to popular approbation to entitle them to the favor of the General Assembly. I believe they are generally denounced by the people as the initiative to renewed embarrassment. That such endorsements being once commenced, a precedent will be made from which it will be difficult to recede, until State credit shall be impaired, and the temptation to faithlessness lead to practical repudiation. It will certainly be difficult for the Legislature under opposing influences always operative, to discriminate between roads, or to form an infallible judgment upon the sufficiency

of the indemnity. If the consequences apprehended are likely to result, we should withhold our guarantee from all such engagements. Sooner than overwhelm the State in irretrievable bankruptcy, it would be better to make her a stockholder to the extent of our available means in the most important Rail Roads of the State. But such a proposition would not be apt to meet with popular favor, as our people have been expecting our funds would be husbanded, and appropriated in extinguishment of our State debt as speedily as possible. Upon these topics, I think I speak advisedly, unless the occurrences of the last three or four months have operated a change in public opinion.

It is known to you that five per cent. of the nett proceeds of the public lands was reserved to the State under a stipulation with Congress upon the admission of Alabama into the Union, "for making public roads, canals and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the State under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the State, under the direction of Congress."

By an act of Congress of September, 1841, the two per cent. fund is relinquished to the State, upon the condition that it be faithfully applied under its direction "to the connection by some means of internal improvement of the navigable waters of the Bay of Mobile with the Tennessee river, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee river opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi." This fund, then, must be devoted to the advancement of these objects.

The act of December, 1823, to establish the Bank of the State Alabama, provides that all the monies accruing from the three per cent. fund, shall constitute a part of the capital stock of this Bank and be thus vested as it is received from the United States: *Further*, that the nett proceeds or banking dividends of said capital shall be applied to the making of roads and canals and improving the navigation of rivers within this State, or be vested so as to augment the capital until such application shall be directed by law."

The receipts of the Bank to the credit of the three per cent. fund up to the 13th November, 1843, were \$345,403 33; and the dividends declared on the sum at different times amounted to \$104,858 30. The last dividend was declared on this fund in the month of November, 1834. The profits accruing subsequently to that day, were, under the act of the 10th January, 1835, carried to the credit of the "Sinking Fund;" and from this fund the Legislature subsequently made appropriations amounting in the aggregate to the sum of \$135,000. What were the profits accruing subsequently to November, 1834, on the three per cent. fund, I

am not informed. But as the business of the Bank greatly expanded during the several years that intervened that and the catastrophe of 1837, upon the assumption that its business involved no losses, the figures would show a large profit. Whether the dividends previously declared, were nominal or real, I have no means of determining. It is, however, perfectly certain that the terms on which the State received this fund, inhibited its diversion to any other object than that designated. We accepted it under a special trust and cannot relieve ourselves from the obligation to perform the trust, whether the fund has produced a profit or sustained a loss. Indeed the Bank Charter, in investing it, expressly pledges the faith and credit of the State to supply any deficiency in this fund, "and to give indemnity for all losses arising from such deficiency."

We may show that the dividends declared were imaginary; and perhaps, that the three per cent. fund is a debtor to the "Sinking Fund" to the extent of the appropriations charged to the latter. But beyond these, we can certainly claim no diminution. The neglected maxim, "honesty is the best policy" is alike applicable to States and individuals, and is indicative of our duty.

I therefore recommend that an account be taken of the three per cent. fund, with the profits accruing thereon, and all legal appropriations thereof, and that the aggregate amount now in the hands of the Treasurer or other agent of the State, or for which the State is accountable, henceforth be charged by the State to the credit of this fund, to be appropriated to the construction of such Rail Road or Rail Roads as are most important and need its aid.

In my last biennial message I referred to the fact that the General Government was the proprietor of many millions of acres of public lands in this State, not subject to taxation; and that consequently our revenue was greatly diminished by having a privileged land holder of such extensive domains within our limits. I advised the General Assembly to ask of Congress liberal grants of these lands to aid the construction of Rail Roads and other improvements; stating that the request might properly be rested upon the ground that the remainder of the lands contiguous would be enhanced to an amount equivalent to the previous value of the aggregate, and would by the improvements thus assisted, be brought into market. Such grants are perfectly legitimate according to the strictest construction of the Constitution; and the enactments of Congress, especially within a few years past, furnish some striking precedents.

I am not inclined to question the general proposition that lands cannot be legally appropriated by Congress to an object for which money may not be legally appropriated. But is it entirely certain that this proposition applies to States in the same category with Alabama?

The act of Congress of March 2, 1819, was professedly intended "to enable the people of the Alabama territory to form a Constitution and State Government; and for the admission of such State into the Union on an equal footing with the original States."

Amongst other propositions submitted by that enactment, one required that the convention of Alabama "provide by an ordinance irrevocable without the consent of the United States, that the people inhabiting the said territory, do agree and declare that they forever disclaim all right and title to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that every tract of land sold by the United States shall remain exempt from taxation.

The convention adopted such an ordinance as the act of Congress required. But for this disclaimer of title, or a tacit acceptance of the terms of the act by coming into the confederacy, I have supposed that the State as an incident—or appendage of the right of *eminent domain*—would, upon its admission into the Union, have become the proprietor of the waste or unappropriated lands. This question was discussed in the Senate of the United States in 1828, and I do not remember that the point was then controverted. However it may be, I believe I am sustained by judicial decision. I very well remember that in the debate of the Senate the disclaimer of the State was denounced as a nullity, —upon the ground that it was imposed as a condition upon which she should be permitted to put off her pupillage and become one of the political sisterhood—that it impaired her sovereignty and denied to her equality of position. These conclusions, though ingeniously urged, impressed me as untenable deductions from an argument too much attenuated.

The act of Congress we have seen required "that the said Convention shall provide by an ordinance irrevocable without the consent of the United States, &c." These terms imply with all the force of language that the ordinance may be revoked or annulled *with the consent of United States, acting through their organ, Congress*. If Congress may revoke it altogether, it may revoke in part by exempting a portion of the public lands within the State from its influence—upon the principle that the greater includes the less. But until a partial or total revocation of the ordinance is made, the lands in this State to which the Convention disclaimed title, remain as previous to the adoption of the Constitution, "at the sole and entire disposition of the United States."

The act does not prescribe any condition upon which the consent of Congress may be given to a revocation of the ordinance. It will not do to annex as a condition, the provisions of the Constitution which confer upon Congress power to appropriate money or do any other act: for the right to admit new States within the territorial possessions of the United States, is unlimited, and the effect of

such admission, we have seen, is in the absence of an implied or expressed disclaimer of right, to invest the newly admitted State to the waste or unappropriated lands within her limits. The disclaimer is merely binding upon the State until Congress shall, at its mere volition, make it inoperative either wholly or in part.

This is but a summary of the argument, and is presented to show that it is competent for Congress to grant or relinquish to the new States at its mere volition any part of the public lands within their borders. Half the lands within this State have been sold by the United States, averaging a price considerably above the minimum prescribed by Congress. Much the greater part of the remainder is comparatively poor, and of but little value for agricultural purposes, or even for lumber or minerals, unless they shall be traversed by Railroads. Our revenue has been restricted by the privileged proprietorship of the United States; and consequently our ability to construct works of public improvement much less than otherwise it would have been. The presentation of these considerations strongly appeal to the generosity—the justice, of Congress; and the spirit of progress I cannot doubt will cause the appeal to be heard and liberally answered.

I advise that you again address Congress and request it to aid our Rail Roads by grants of public lands—not merely alternate sections of such lands as may lie within a limited distance of a road; but where these have been sold, to permit the location of other lands in their stead without reference to locality. If the interpretation I have given to the act of 1819, is defensible, it is competent for Congress thus far to consent to the revocation of the ordinance of the Convention. The bounty of Congress thus enlarged would promote the interest of the Memphis and Charleston Rail Road and such other lines as may not be contiguous to waste or unappropriated lands."

The lands in our richest districts of country have been sold and in many instances at prices some hundreds per cent. above the Government *minimum*. Shall roads passing through these districts receive no bounty from the United States? The land holders there, have contributed liberally to the Treasury in procuring their homes, and have made private property of the lands that were public. These considerations should not disparage their claims to national benevolence—certainly not to justice.

I have heretofore suggested to the General Assembly, the propriety of endeavoring to impress upon Congress the great importance to the interest of this State of the public domain becoming private property, with a view to the increase of revenue from taxation. To that end, I have advised that the graduation of the price be requested. Expediency demanded such an enactment long since, and the vast accession to the public domain has made its propriety still more apparent. Thirty four years have elapsed since Alabama became a member of the American Confederacy, and



still the United States is the proprietor of almost if not quite half the lands within her borders. There has been no reduction of their price since the first of July, 1820, notwithstanding the intervening period has been sufficiently long to indicate the propriety of a gradual diminution from time to time, even if the Government were grasping as a huckster, or unrelenting as a usurer.

Whatever constitutional enactments of Congress will promote the prosperity of Alabama, will, in a greater or less degree, advance the interest of the United States. The business connection between this State and Northern Manufacturers and importers, especially in the great points of centralization, are so intimate and extensive, even if interest, apart from an enlarged patriotism, was the sole prompter to action, that it seems to me that we might, with confidence, invoke the aid of their Representatives upon the floor of Congress. If the United States would listen to our appeal, not with the ear of a heartless step mother, but with the recollection of our common origin—our united struggles—our noble mission, and its glorious consummation if true to the guidance of duty, our repeated appeals to the justice and magnanimity of Congress, would be generously answered. I again commend this subject to your early and earnest consideration.

### MOBILE BAY AND ITS IMPROVEMENT.

The planting interest of South Alabama and the country tributary to Mobile, sustain in the aggregate, a heavy loss, annually, in consequence of the, water over the bar in the bay, not being of sufficient depth to permit the transit of vessels of the ordinary tonnage, directly to the city.

This state of things makes it necessary to employ lighters to load and unload vessels lying at their moorings; and every bale of cotton, barrel, &c., transported or brought in, includes a charge, with incidents according to the usage of commerce, which is borne by the producer or consumer, by diminishing the market price in one case, or increasing it in the other. The aggregate of this burden upon the business of Mobile, it would, perhaps, be possible to estimate with some approximation to exactness—suffice it, however, to say, that it is believed in one or two years, it would amount to a sufficient sum to deepen a channel suited to the ordinary purposes of commerce.

The power of Congress to appropriate money to improve the Harbor of Mobile, by removing the obstruction mentioned, will hardly be controverted at this day by the advocates of the strictest construction of the Constitution. The power "to regulate commerce, &c," conferred by the 2d section of the 1st article of that instrument, extends to the construction of light-houses—the placing of buoys and beacons, the removal of obstructions to navigation in creeks, bays, &c., and the establishment of securities to

navigation against the inroads of the ocean. These powers have been beneficially exerted from a period almost coeval with the organization of the Government under the Constitution, and when properly applied have not been seriously questioned.

Heretofore the appropriations for the object mentioned have been too much restricted, and, perhaps, until recently, have not been expended in the most judicious manner. But, that the Harbor of Mobile is susceptible of improvement by the application of means bearing no proportion in their amount to the benefits that would result, especially to the producers and consumers, cannot be doubted. I therefore respectfully recommend that you bring this subject to the attention of Congress, and request an appropriation equal to the most reliable estimate.

### ATLANTIC AND PACIFIC RAIL ROAD.

Among the measures that will probably engage the attention of Congress at its next session, none can be more interesting to the entire confederacy and the World, than the construction of a Rail Road, which shall connect the Gulf and Atlantic States with the Pacific coast, and the mode and measure of aid by which Congress shall advance this great enterprize. In a commercial, social and political point of view, if not unequalled, it is of unsurpassed importance. It is difficult to contemplate the vast results consequent upon the completion of this work, without being overwhelmed with their magnitude.

A Rail Road between the points indicated, would cause the intervening country to be settled, at least along the line, and thus furnish a protection to commerce and travel. It would bring our acquisitions in the West much nearer to us, by making them easy of access, and in a much shorter time; consequently their settlement would be more rapid, and their increase in strength and wealth would be in a more than corresponding ratio. In case of a war—an event which is certainly among the possibilities of the future, until the golden rule shall control the conduct of individuals and of nations—it would enable us to transport men and munitions of war to California and Oregon in a short time, and at a trifling cost. It would be the means of the moral advancement of the Indian tribes contiguous to it. The facility with which the richest and most populous portions of the East could be approached from the Pacific coast, would cause the United States, in their entire breadth from East to West, to be traversed by the greater part of the commerce and travel between Europe and the East.

Nor are these the only benefits that would accrue from the completion of this undertaking. Industry in every part of the Union would receive an impulse—new and increased incentives to exertion, would be seen and felt, and the commerce and manufactures

of the United States, would expand with the inducements to effort.

If the history of the past is instructive, or passing events significant, then indeed has a higher power than man indicated that the people of the United States have a most important part to act in the affairs of the World. Our rapid advancement in the scale of nations, and the position we occupy, devolve upon us the duty of meliorating the condition of humanity by all the moral appliances which our extensive intercourse with the world will enable us to employ—not merely to act upon individuals, but silently to liberalize systems of Government, that man may be freed from unnecessary restraint upon his actions, and left to his own volition in matters of indifference. These results are to be achieved, not by the sword, but by the example reflected by our justice and power, at home and abroad. War is no part of our policy—aggression is incompatible with our principles—the right of defence we will exercise, when honor and interest demands. The connection of the Atlantic and Pacific, in the manner proposed, would contribute more than any other measure, to enrich the Union, and to enable us to accomplish what I have supposed to be our great moral mission to the world.

A work of such magnitude, and fraught with such results, certainly deserves the patronage of Congress, unless policy forbids its bestowment. I would not have this road constructed by appropriations from the Federal Treasury. Nor would I stop here to consider whether, if it is intended as an incident of the power to declare war &c., it is permissible to advance it by grants of money. Be this as it may, I am sure that it would be eminently inexpedient to make it a Government work. The experience of the past proves that no great improvement has been made by the United States, but at a cost surpassing any reasonable estimate. Individual interest must predominate, to induce that circumspection which is necessary to prevent imposition. Let it be known that a work of such magnitude was to be put under contract by the Government, and thousands, ravenous as Harpies, would endeavor, by all the artifices that dishonesty could suggest, to filch the public treasure. We know that the morality of many persons who exhibit ordinary honesty, in transactions with individuals, permits them to cheat the public to any extent, without compunction. Appropriation would make way for appropriation, until the expenditure would swell far beyond all previous calculation.

In the public service, there are doubtless engineers of eminent qualifications, whose acquaintance with the topography of our recent settlements on the Pacific is such, that they are prepared to make an intelligent and impartial survey of the route for the proposed road. The surveys of corps thus organized, of officers disinterested and impartial, would command much more respect, than the most elaborate reports of engineers in the employment of char-

tered or unchartered companies. The latter, however honest, would insensibly bend to the dictation or wishes of their employers, unless they possessed a rare amount of self possession and firmness.

If the main trunk is located where such a survey may indicate the construction to be most practicable—sufficiently far South to be free from the obstruction of the snows of winter, and where, with a proper regard to these two great elements in the question of location, the public welfare requires it, then Alabama should be satisfied. In my judgment, it would be unwise to make the bounty of Congress depend upon any particular terminus—East or West. The demands of the country on the East, certainly require several termini, and no doubt it would be altogether proper to make more than one outlet to the Pacific.

Although it would be highly inexpedient, without regard to the question of constitutional power, for Congress to appropriate money for the construction of this road, I cannot doubt that the interest of the entire Union would be most essentially promoted by liberal grants of the public domain, situated as near as may be, yet extending many miles on either side of the main trunk, or the branches leading to its termini. Such grants, to any proper extent, would bring the adjacent lands into market, at prices greatly more than they would command in their present inaccessible condition. The Government should, of course, stipulate with the company or companies, to which the lands would be granted, to render important public services. Further; that the road should not be made an oppressive monopoly, injurious in its exactions upon individuals or communities—taking care to hold in check the propensity to grow rich by the indulgence of avarice. All these being secured by express stipulation, or made a condition of the grant of lands, or in some other manner, an ample equivalent would be obtained.

I have briefly expressed to you, my views on this great question. Its intrinsic importance and the discussion it has received, both in and out of Congress, will commend it to your consideration, and induce a declaration of your opinion with the frankness the subject demands.

## THE CODE OF ALABAMA.

In obedience to the provisions of the act, "to provide for the adoption, printing and distribution of the Code of Alabama," I appointed, within a few days after the close of the last session, Henry C. Semple, Esq., of Montgomery, "to make head-notes to the titles, chapters and articles of the Code;" also "a full and complete index thereto, and to compare the printed copy with the original." I also entered into a contract with Messrs. Brittan & DeWolf, state printers, by which they stipulated to print within

this State, and bind and deliver to the Secretary of State, by the first day of July, 1852, five thousand copies of the Code, of the style required.

The other duties enjoined on me, previous to the publication of the work, were all performed.

Upon the certificate of the Secretary of State, that Messrs. Brittan & DeWolf had delivered to him the number of copies designated in their contract, and being satisfied from inspection that "the execution of the work, and material," were such as the act contemplated, I certified to the Comptroller that they had executed their contract, and were entitled to the compensation therefor, &c. The bond of the contractors is on file in the office of the Secretary of State, and the report of the Comptroller will show the sums that have been paid them.

The amount may appear large to those unacquainted with the charges for printing and binding in this State. But upon inquiry, and taking into consideration the cost of materials, the style in which the work was executed, and the brief period allowed for its completion, it is believed the compensation stipulated, was only a fair equivalent.

Although the Code was not delivered within the time provided by the contract, I believe the contractors employed all reasonable diligence to comply with their undertaking, that no public inconvenience has resulted from their failure, and therefore no suit should be instituted to charge them for a default.

The gentleman appointed to prepare the head-notes, &c., has been paid the entire sum appropriated for the services he rendered, upon the advice of the commissioners who prepared the Code, confirmed by my own judgment, that it was nothing more than a just equivalent for the labor he performed.

From a view of the entire act, I entertained no doubt but it was proper for me to give to the contractors such a certificate as enabled them to be paid; and this opinion was confirmed by the advice of all the professional gentlemen I consulted.

Some provisions of the Code in relation to the assessment and collection of taxes, contemplated that it should take effect previous to the second Monday in August, 1852. As this could not be, to prevent embarrassment as much as possible, I thought it best that the Code should not become operative until the second Monday in January, 1853, so that the taxes for the current year might be assessed and collected under the pre-existing laws. Consequently the proclamation I was required to issue and have published, was delayed until the day of November, 1852, and the Code became the law of the State, sixty days thereafter.

I am aware that the Code has been assailed in many parts of the State as a work, not only remarkable for its defects, but for provisions inexpedient and unwise. The objections to it have been fruitful topics of discussion, and in some counties were im-

portant elements in the canvass, preliminary to the last election of members to the General Assembly.

In my Message communicated at the opening of the last session of the General Assembly, I remarked the Code had not been submitted to me for my examination and report, as required by the act under which the commissioners were appointed; consequently I was unprepared to express an opinion upon the merits of the entire work. I however venture to say that different portions of it which I had heard read, introduced many valuable changes demanded by public opinion, and which were indicative of much thought and laborious research. A fuller examination of the work has confirmed me in the correctness of this remark, while I am persuaded it is perfect, and contains provisions that should be repealed or essentially modified.

These defects are not the result of the incompetency of the commissioners for the task assigned them. A Code of Laws adapted to a people of such diversified interests, and a State of such importance and growing consideration as Alabama, required more time in its preparation than the commissioners, incumbered with official and professional engagements, devoted to it. To the haste with which the work was prepared, rather than any other cause, its defects must be attributed.

The question arises, shall it be repudiated, and the body of laws which it was intended to supercede become operative, or shall we endeavor to supply its defects with amendatory and supplemental enactments? To this question it seems to me, with all due respect, there can be but one answer—let us endeavor to make the Code more perfect.

Impressed with the propriety of this course, I recommend the appointment of a *Committee on the Code*, by each House to act jointly, and that the entire work, and all propositions to amend it be referred to this committee, who shall report thereon, from time to time as they think proper.

All amendments should be made in terms, brief and terse, and corresponding as near as may be to the language employed in the Code—should state what particular section is intended to be substituted or modified—or where the amendment is entirely new, a place should be assigned it by numbering it as a section, and arranging it under the appropriate part, title and chapter. At the close of the session, all the amendments, in addition to being published with the other acts, should be stitched in a distinct pamphlet, for the convenience of reference, as a mere appendix to the Code. If this suggestion is adopted and acted on in the spirit of conciliation, it seems to me that all just ground of complaint may be removed; and availing ourselves of the work of the commissioners, except so far as expediency demands a departure, we may present to the people a body of statute laws in harmony with the progressiveness of the age in which we live.

I do not propose to particularize the defects of the Code. This would be a task requiring examination, consultation and time. The discussion to which I have referred, have doubtless subjected it to severe criticism, and its imperfections, both supposed and real, will be brought to the notice of one House or the other.

## COMMISSIONER AND TRUSTEE TO SETTLE AFFAIRS OF STATE BANK, &c., &c.

What amount of the public funds that were placed under the contrroll of the commissioner and trustee, are still unexpended; what balance remains in the Treasury, will appear from reports which will be laid before you at an early day.

State stocks have largely appreciated within the last three or four years, and are generally sought as a safe investment of money. The reduction of the bond debt of Alabama—her ample resources, and the unfaltering purpose she has manifested to meet her liabilities, have given to the State a most enviable credit at home and abroad. Our outstanding bonds amount to a few thousand less than *four and a half millions* (unless it has been reduced within the last two years)—all of which are *five per cents*, with the exception of eight hundred and twenty-nine thousand of *six per cents*., payable in 1870; \$594,667 67, are payable in London in 1858, but are renewable at the pleasure of the State. No other bonds mature until 1863.

It is hardly probable that we shall be able to purchase our six per cent. bonds at par, previous to their maturity. Indeed, I suppose our five per cents. have not been pressed on the market, except in small sums, within the last two years, and that the quotations have been merely nominal—altogether below the actual sales.

If it should appear that the State will have an excess in the Treasury of any considerable amount, this should be made productive, if it can be done without too great risk of loss. I do not know, but suppose that loans might be made, to a limited extent, to some of our Rail Road Companies, whose works have progressed so far as furnish a guarantee that they will be completed, or perhaps where the subscriptions of stock are ample. If the General Assembly shall be willing thus to aid the construction of Rail Roads, it could require the pledge of the road, with personal or real security, or both, in the form of a Deed of Trust, or Mortgage, with a power of sale—making the interest, which should be six per cent., payable semi-annually, either in London or New York, and requiring the re-payment of the principal at the times when, and places at, which our bonds are payable.

If a loan were thus made, the rail road could be completed previous to its maturity, and if the available means of the company were insufficient to enable it to repay, it could probably by hypothecating its road borrow money, upon showing that its nett income



would pay the interest and raise a sinking fund to extinguish the principal in a reasonable time. Such loans would not only be beneficial, by securing to the State, interest upon its funds, but the construction of the roads they aided would enhance the value of property and expand business along their lines and between the points they connected, and thus increase our revenue.

I cannot positively affirm in advance of the report of the Commissioner and Trustee, that the expenses of his office should be reduced, or its duties transferred. It is, however, inferred that the debts due the State Bank and Branches have been collected and secured to such an extent, and the business in other respects so much diminished and simplified, that the salary may be much reduced, or if the General Assembly are indisposed to continue the office, its duties could be devolved upon the Comptroller of Public Accounts. But in the latter case, it would be necessary to elect an Assistant Comptroller, with power to discharge the duties of his principal in the absence, &c., of the latter. This additional machinery would be indispensable, as in attending to the business of the Banks, it would be necessary for the Comptroller to be absent for days, and perhaps weeks from his office.

It would not do to transfer the assets of the State Bank and Branches to the seat of Government, nor to dispense with the services of an agent at each of these; unless the Branches at Huntsville and Decatur are in a condition to make it proper to place their assets in the hands of a single agent. The General Assembly may judge of this when they see the report of the Commissioner and Trustee. But the propriety of continuing the local agencies is abundantly apparent from the large proportion of bad and doubtful debts that have been collected, and of which there are still large sums due. The discontinuance of agencies or the transfer of the assets would be productive of heavy losses. The extent of future collections from debts classed and unclassed, must depend mainly upon the watchfulness and industry of local agents and the extensive power of the Commissioner and Trustee.

## BANKS AND BANKING.

Under the act of February 12, 1850, "to authorize and regulate the business of banking, and the amendatory act of February 9, 1852, and the supplemental act of February 10, 1852, stocks were deposited since the last session of the General Assembly with the Comptroller of Public Accounts, by William Poe, and such steps taken as these enactments contemplate to authorize the Depositor to commence the business of banking. The bank thus established is designated the Bank of Montgomery. Of this transaction you will doubtless be more particularly informed by the Comptroller, and I will only add that the character which the Banker has long since established for integrity and business qualifications, afford

the most satisfactory guarantee that his Bank will be judiciously and honestly managed.

Immediately after the passage of the act of February 10, 1852, "to incorporate the Northern Bank of Alabama," I appointed Commissioners to receive subscriptions for stock, pursuant to the charter. On the day of August last, I was informed in the mode required by the act, that more than two hundred thousand dollars had been subscribed to the stock of the Bank, and half this sum had been paid in gold and silver; and that the stockholders had elected a Board of Directors, &c.

Thereupon I caused my proclamation to be issued and published, stating that this report had been duly made to me, and that the Company had the requisite amount in gold and silver of their own absolute property, and were authorised under their charter to commence banking operations. Since which I learn that the President and Directors have regularly commenced business.

In my message of December 20, 1849, I discussed, at considerable length the subject of Banks and a Paper Currency. The views then expressed have my concurrence, and without now reiterating them, I merely recall your attention to their consideration.

The large circulation amongst us of the Bank bills of other States, is a clear indication that our Banks do not furnish a sufficient paper currency to satisfy the wants of our people or meet the demands of business. I therefore renew the recommendation I made to the last General Assembly, to incorporate one Stock Bank with a capital not exceeding half a million of dollars, with rules and restrictions substantially conforming to those contained in the act "to incorporate the Southern Bank of Alabama." Should this recommendation receive the favorable consideration of the General Assembly, the bank provided for, should be located at the place where it can best sustain itself, is most needed and the stock will be promptly subscribed for and paid.

By section 3271 of the Code of Alabama, it is made an indictable offence to pass or circulate in this State any bank bill of a less denomination than five dollars, not issued under the authority of the Legislature. Our banks, with the exception of such as do business under the authority of the laws "to authorize and regulate the business of banking," are prohibited from issuing such bills. The two and three dollar bills of the Bank of Montgomery supply the demand to a very limited extent, and the circulation of silver and gold coin, it is said, has been altogether insufficient to make up the deficiency. The consequence has been that gold has occasionally sold at a premium from one to three *per cent.* upon our best paper, and silver perhaps at a higher price; and in addition to this the prohibition of the Code has been disregarded in countless instances.

It is but reasonable to suppose that the vast influx of gold, and

the increased coinage of small coin of that metal at the mints of the United States, will within a short time be adequate to the demands of the enlarged and expanding business of the country. Until, however, this shall be the case, the smaller coin cannot enter largely into circulation, and will continue to sell at such a premium as the wants of the people may induce brokers to require. This premium, be it what it may, will in the end be borne mostly by the agricultural community—the purchasers of public lands—the consumers of merchandise, &c. To remove as far as may be the inconvenience resulting from such a state of things, and the temptations to violate the provisions of the Code, I suggest the propriety of consulting public opinion on this subject, and if the people wish it, so amend the charters of our banks as to authorise the issuing of bills of a smaller denomination than five dollar bills to a limited extent—providing, however, that such bills shall not be tolerated beyond a certain time, but at the pleasure of the Legislature.

On the        day       , 1852, I received the report of the Commissioner and Trustee to settle the affairs of the Bank of the State of Alabama and its branches, informing me that he had sold the stock held by the State in the Bank of Mobile, pursuant to the act of February 4, 1852, investing him with that power. The report was accompanied by a copy of the contract for the sale and transfer of the stock. I briefly expressed to the Commissioner and Trustee my first impressions in writing, as to the legal effect of the contract—doubted whether it so divested the interest of the State in the Bank as to relieve me from the duty of appointing Directors to represent the state stock as the Governor had previously done. But as it was a matter about which professional men might well differ, and the act referred to, conferred the power of sale and transfer upon the Commissioner and Trustee alone, I decided not to withdraw the authority of the State's Directors; but to forego the appointment of others for the present year—being confident that this decision would work no injury to any interest. The report of the Commissioner and Trustee will no doubt impart full information on this subject.

#### UNIVERSITY, EDUCATION, &c.

The report of the Trustees of the University, which will be laid before you at an early day, will inform you that the Institution is in a healthful condition. A number of its graduates are successfully engaged in the honorable and useful profession of Teachers in Classical Schools; and the applicants they annually send up for admission to the University are quite as well prepared, not to speak invidiously, as any who are initiated.

The accommodations are too limited for the number of students who seek admission, and the Board of Trustees propose to enlarge

them, as the judicious use of their funds will allow. As the number of preparatory schools of a high order increase, we may confidently expect, judging from the past, there will be a corresponding increase of students.

As required by the act of the last Legislature, I caused to be erected at a cost within the appropriation, a suitable fire-proof building on the University grounds intended for the reception and safe-keeping of the set of balances for the adjustment of standard weights and measures furnished this State under the authority of Congress. The superintendent of weights and measures has been informed of the preparation of the house for the reception of the balances, and an agent of the Government will no doubt be despatched in due season to put them up. The member of the faculty under whose supervision they are to be placed will perhaps prepare a paper upon the subject to be laid before you.

Elections were holden on the third Monday in August last, in many of the townships, pursuant to the act of February, 1852, "to provide for taking the sense of the voters of the several townships of this State in regard to the consolidation of the sixteenth section fund." The majority of those voting in most of the townships in which elections were holden, voted in favor of consolidating the fund. But the townships thus voting are less than a majority of all that are in the State. Indeed, it is very questionable whether the majority of the voters of a township can divest or impair the rights of the minority to the sixteenth section fund. It is altogether certain that the vote of one township can have no effect upon another, or the educational funds of the minority be controlled by the majority of townships. The act referred to and the consequent election has effected no result, and the Legislature must be contented to permit the sixteenth section or its proceeds in each township to remain the property of the inhabitants of the townships severally. In both my preceding regular messages I have said that the terms on which the sixteenth section fund was granted by Congress created such a trust, and that the highest court of this State had so decided. I am aware that some persons have not hesitated to denounce this decision, upon the bold and unsupported assumption that Congress must have intended by the grant of section sixteen *to the inhabitants of the several townships*, to create an educational fund for the benefit of the whole State—an assumption that never would have been indulged but for the sale of many of these sections and an investment of the proceeds in State stocks, the interest on which is an annual charge on the Treasury. The State owes no debt that should be held more sacred than the yearly payments it has stipulated to make to the townships in whose favor it has issued stock.

The sixteenth section in Ohio, and I presume the other States in the same category with Alabama in respect to their school lands, is regarded as the property of the inhabitants of the townships of

which they constitute a part; and the monies derived from their rents or sales, essentially a *trust fund* held by the State for the specific benefit of the schools of the particular township to which the sections respectively belonged.

In Michigan, and perhaps other States, the proceeds of sixteenth sections and other lands granted for the support of schools, are by constitutional provision, made a "*perpetual fund* for the support of schools throughout the State." The State being admitted into the Union with this provision, the townships can claim no exclusive right to the sixteenth section or its proceeds, situated within them, respectively.

It is unfortunate for the cause of education in Alabama, that our legislation is so much restricted in respect to this fund; but we must submit to a necessity that we cannot control.

Allow me, without repetition, to invite your attention to what I said in my previous messages on the subject of popular education—the propriety of providing for the appointment of a superintendent of instruction—of securing the services of competent teachers—of making the sixteenth section fund productive of greater benefits—of permitting any county or incorporated city or town, with the approbation of the voters therein, to levy a reasonable tax in aid of common schools within their limits, &c., &c.

Immediately after the adjournment of the last Legislature, I took the appropriate steps toward the execution of the act of 1852, "For the relief of the deaf and dumb in the State of Alabama." I caused notice to be given through the press and otherwise, of the provisions of the act, &c.; and after correspondence and enquiry, deemed it best to make a temporary location of the school contemplated, at Robinson's Springs, a pleasant and healthy rural village in Autauga county, surrounded by an intelligent and moral population. James A. Watterson was employed as a teacher, and though a deaf mute, has proved himself faithful, and thus far, competent. His employment was doubtless expected, as due to his meritorious efforts in pressing the appropriation under which the school was established.

I have endeavored to awaken public interest in this school by sending to every county information of its establishment, the terms on which its benefits may be enjoyed, &c. I have called upon the parents of indigent mutes to send their children, and have offered to receive the children of more favored parents upon the payment of board and a very reasonable tuition. Mr. Watterson has sustained me by travelling and correspondence in different parts of the State; and the press, too, has lent its aid. Notwithstanding all these appliances, we have been able to draw together but very few pupils. Such institutions, I observe from the reports in other States, languish from the same cause. Discouraging as this is, we should not despair. If we educate but few, the expenditure will be in proportion to the number; and these few should

not be neglected because the parents of the many are indifferent to the education of their unfortunate children.

In due season, a report will be made as required by the act, showing the application of the fund appropriated and its results. In the meantime, I advise a renewal of the appropriation, and the permanent location of the school under the immediate supervision of a competent board of trustees. Suitable buildings and grounds, it is supposed, would be offered free of charge, or at a very trifling cost.

I also deem it a high moral duty to make provision for the education of the blind, and again recommend an appropriation and the establishment of a school for that purpose.

## JUDICIARY, AND ELECTIONS BY THE PEOPLE.

In my preceding biennial messages, I made some suggestions in relation to the judiciary, and will not now repeat all I there said. Allow me, however, to recommend an increase of the salaries of the judges of the circuit court and chancellors. This measure is due to the labor these officers are required to perform, and is necessary to impart a decent respectability and dignity to the offices.

The constitution should be amended so as to permit the Legislature more perfectly to equalize the labor of the circuits, and if deemed expedient, to reduce their number.

It is difficult to perceive of any reason founded in sound policy which renders proper the election of judges of the circuit court by the people, that does not apply to the judges of the supreme court and chancellors. The interest of the people will always make the masses honest in the exercise of their civil rights. Misplaced confidence in demagogues and politicians by profession, may cause them to be deceived; but they are generally prompt to repair their errors. It is a high moral duty to inform themselves before they act upon any question that may affect the public interest; and as power is restored to them they will be apt to manifest increased caution and inquiry.

Impressed with the correctness of these views, I recommend that propositions be submitted to the people so to amend the constitution that the Judges of the Supreme Court and Chancellors shall be elected by the people. And I would advise that the Attorney General and Solicitors of the several circuits, the Secretary of State, the Comptroller of Public Accounts, and the Treasurer of the State shall be embraced in the same or similar propositions.

These elections, if the propositions are sustained by the people, as well as those of the Probate and Circuit Judges, should all take place at the usual time of holding elections for members of the two Houses of the General Assembly. Indeed, our experience for the last three or four years has satisfactorily demonstrated that our people have been so long accustomed to the summer canvass,



that it is difficult to induce even a majority of voters to attend an election in May.

Unless the Judges of the Supreme Court should be chosen by districts, it would be well to provide that not more than one of them shall be elected at the same time; and that the Secretary of State, Comptroller and Treasurer should not more than two of them be elected in the same year. Such a provision might prevent the exchanging of votes and occasional combinations prejudicial to the public welfare.

## TAXES—THEIR ASSESSMENT, COLLECTION, &c.

Previous to the operation of the Code, the law did not declare when the "tax year" began and ended; consequently, the tax which was annually assessed and collected was for the entire year, beginning with January and ending with December, although if the owner divested himself of the title and possession of property previous to the first day of March, he would not be chargeable with the annual tax.

Under the Code, the tax year begins on the first day of September, and ends on the 31st of August. The Code was not published as early as some of its provisions contemplated; consequently, the time of its operation was postponed, that the assessors of taxes might be appointed, and the collections made under the old law for the present year. But Assessors were appointed in August last, who are required to assess the tax in their respective counties between the first of September and the first of January, so that the assessment for a period subsequent to the current year, and the collections due up to its close, are being simultaneously made. This condition of things must necessarily devolve upon the court required to sit in each county on the 2d Monday in January "for the purpose of examining and correcting the assessment books," a large amount of labor, as in many instances, slaves, horses and cattle may die, houses be destroyed, property sold, &c., &c., after the assessment, and previous to the first day of January. Besides, the assessment now being made, can only authorize the collection of taxes up to the 31st day of August, 1854, when the tax year ends.

I have brought these matters to your notice that you may apply such legislative remedy as in your judgment is appropriate. Allow me, however, to suggest whether it would not promote convenience without public detriment, to extend the tax year from the first of January to the last day of December, and to close the fiscal year on the 31st day of October. Such an enactment would make it easy to adopt the assessment now being made, after it had passed the revision of the correcting court—merely requiring the assessors to assess the sales of merchandise, &c., between the first of September and the first of January.



It is impossible to frame a revenue law of which all persons interested and disinterested will approve. An *ad valorem* tax, it is generally conceded, is the most equitable, because it adjusts the public burthens in proportion to the value of the estate of the taxpayer. It could not be expected that enactments embracing such a variety of objects as our tax laws, should escape objections. Complaints have been made that the system, in some particulars, is difficult to be executed. Further, that the *ad valorem* principle is not sufficiently adhered to; and, as an instance, it is said that the increase in the price of slaves within the last half dozen years, has subjected lands to a much higher tax in proportion to their value; and that the influences that have caused this enhancement of the value of slaves, will most probably continue for years. It is also objected that vehicles and teams, employed principally in the carriage of merchandise and other articles of value for a reward, should be regarded as stock in trade, and taxed in proportion to their value, or upon their income. While I would dissuade from amendments of our revenue laws with a reckless or incautious hand, the objections I have specifically mentioned, have been so often brought to my notice, that I have felt it proper to suggest them for your consideration.

The maps prepared in 1848, intended to show what lands were private property, and what were public and unappropriated, were prepared in great haste, at a cost far below the value of the work performed by the draftsman: and, consequently, were exceedingly imperfect. The correction of these, or the substitution of new ones in some counties two or three years ago, perhaps, made the corrected or substituted maps about as accurate, down to that time, as we could expect them to be. I proposed to correct the remainder of the maps, and bring down by registers, the lands entered, &c., in each county up to the first day of April last, as required by the Code, and with that view the Treasurer, at my request, opened a correspondence with the local land officers, the result of which, and of consultation with the Comptroller and Treasurer, was a conviction that the only mode in which could be shown, with correctness, the lands sold, the date of the sale, the name of the purchaser, and the description of the tract, is a full and complete register, beginning with the earliest sales or appropriation of lands situated within our borders, and continued down. This would be a work requiring much time and labor, at a cost, perhaps, not less than ten thousand dollars. As the Code was adopted under peculiar circumstances, I suppose that the provisions referred to were unknown to the majority of the General Assembly, and the probable expense of their execution would involve, estimated by a still smaller number, and, therefore thought it best not to incur the expenditure. I now refer the subject to your consideration, for additional or modified legislation, if you deem it proper.

## THE PENITENTIARY, &c.

In obedience to the act of the last session of the General Assembly upon the subject, I did, on the      day of      1852, lease the Penitentiary to M. G. Moore and F. Jordan, for the term prescribed, at six hundred and fifty dollars a year, and received and approved their bonds as soon as they could conveniently be prepared, considering the distance at which the lessees lived from the seat of Government. On the      day of      , J. G. Graham, the preceding lessee, delivered to them, possession of the establishment.

The lessees are men of established reputation for intelligence, humanity, honesty and adaptation to the practical business of life. No one can pass through the Penitentiary, examine the interior, and observe the apparently comfortable condition of the convicts, without being impressed with the belief that the head of the establishment is competent to direct its affairs judiciously, and at the same time care for the unfortunate laborer.

You will doubtless receive, through the reports of the Inspectors and physician, such information of the condition of the Penitentiary, its wants, improvements, &c., as may be necessary to any legislation upon the subject.

Under an act of the last session, I appointed Nimrod E. Benson the agent on the part of the State, to settle with J. G. Graham, the late lessee. The agent made a settlement with Mr. Graham on terms quite as liberal as the law under which he acted would permit, which, of course received my approval. The late lessee objects that this settlement unjustly affects him. I do not remember his precise objections, but I incline to think it would have been better if the law had not restricted so narrowly the powers of the agent. If Mr. Graham claims a greater measure of justice, he will doubtless seek it at your hands.

At my annual visit to the Penitentiary last year, I observed that there was a deficiency of books, such as should be furnished to the convicts to read on Sunday and during moments of relaxation from labor. I made this known to some benevolent individuals, and thus caused the demand, to some extent, to be supplied. The library is still much too limited, and I therefore renew my recommendation to appropriate at least one hundred dollars annually, for the purchase of such books as are best adapted to the condition of the convicts and their moral improvement.

Since I have occupied the Executive chair, I have had occasion to examine the cases of convicts, whom I was satisfied should never have been convicted; and of many more who had been sentenced for a term much longer than the offence committed deserved. Under the wisest administration of justice, such incongruities occur, without deserved censure upon the judge or jury.

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False and defective testimony, as well as other causes, may lead to such results. In some cases of this description, and in many others, I have, under a commanding sense of duty, exercised the clemency with which the Constitution invested me. My reasons are of record, and I am willing that they abide intelligent scrutiny.

I will merely add, that there is great inequality in the term for which different judges sentence convicts to the Penitentiary for similar offences of equal enormity. It is perhaps impossible to remedy this otherwise than by restricting within narrower limits the discretion of the judges; and yet it is difficult to restrict their discretion, and at the same time sufficiently distinguish between cases of the least and greatest enormity. In every instance in which an offender is sentenced to the Penitentiary, the judge trying him, should make a condensed report of the facts to the Executive, with such suggestions as he may deem pertinent. This report will aid the Governor, should an application be made for a pardon.

#### SLAVES—SALE OF UNDER EXECUTION, &c.

The Code very properly provides that slave children of tender years shall, at judicial and some other sales, be offered with their mothers, where the defendant in execution, &c., is the owner both of the mother and children: and that at such sales, slaves must be offered and if practicable, sold in families. But it is allowable for either of the parties in interest to impair, to a great extent, these very salutary enactments. These provisions, in my judgment, should be absolute, at least as it respects mothers and children of ten years of age and under, and husband and wife, where the latter relation is admitted by the owner of the slaves. These are relations which moral duty requires us to respect, and it can be no violation of policy to conform municipal law to good morals. It is universally conceded that slaves are reasonable beings—with the moral feelings, it is true, often obtuse, but susceptible of improvement. The husband and wife generally cherish affection for each other, and the natural attachment of mother and child are usually strong. The mother is not always a wise counsellor, but she must be presumed to be the most constant and sincere the child has. Let, then, the latter enjoy this parental oversight during childhood, that it may be the better prepared by good principles and industrious habits, to act its part afterwards.

The propriety of exempting slaves from execution, either to a partial or unlimited extent, is a question of expediency merely—an excess of credit is certainly a great evil in this State, often prejudicial to the interest of the debtor, occasionally so to the creditor—injurious to public morals and productive of much suffering in families. So far, then, as such a measure may affect credit, it is



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not very objectionable. It is entirely easy for the owner of slaves or other property, to withdraw it from liability to creditors, by a gift made in good faith to his wife or children when he was free from debt, though he afterwards retain possession and become indebted. Notwithstanding such a gift, the donor is usually permitted to enjoy a portion of the income derived from the property if necessary to his personal support. The purchase of an exemption of slaves from execution, by causing their names to be registered with the Probate Judge, will but substantially effect the same purpose, and is certainly not more prejudicial to credit and the rights of creditors.

The relation of master and slave is certainly an interesting one—the severance of which is painful to the kind and considerate master and the dutiful and grateful servant. Our interest in slaves cannot be regarded in all respects similar to that we enjoy in mere beasts or inanimate chattels. This is indicated by the provision which so many masters are making for their moral improvement as well as the severe penalty by which our Legislative acts endeavor to enforce their humane treatment.

What effect the measure referred to would have upon the institution of slavery at home, I am not prepared to say. Whether public sentiment demands or would approve it, coming directly from the people, you will be able to determine. No enactment of such political importance should be passed without an assurance that popular opinion will sustain it, lest by re-action, injurious consequences may result.

### LINE BETWEEN ALABAMA AND GEORGIA.

The decision of the Supreme Court of the United States in the case of Howard vs. Ingersoll from the Supreme Court of Alabama, and Howard & Eckolls vs. Ingersoll from the Circuit Court of the United States for the District of Georgia, makes it my duty to call your attention to this subject. In the latter case, the question was whether "*low water mark*" along the western bank of the Chattahoochee "*at its lowest state*," and the former, whether "*ordinary low water*" was the line between Georgia and Alabama.

The Court decided that neither of these points marked the line, and that the boundary line between our State and her sister on the East, runs along the high Western bank of the Chattahoochee—leaving the bed of the river and the shelving shore on the West within the jurisdiction of Georgia. This decision is directly opposed to all previously expressed opinions on the part of Alabama. The Legislature of this State, by resolutions of February, 1846, declared, that the true intent and meaning of the parties to the articles of cession and agreement between the United States and Georgia of the 14th of April, 1802, were, that Georgia should retain the Chattahoochee within her own limits and cede to the United States all her terri-



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tory West of the river; and that the river from the northern line of Florida up to the great bend, should become the boundary line to the lands thus ceded to the United States by Georgia; that upon no just or liberal construction can Georgia exercise or claim jurisdiction over any soil West of the ordinary channel of the Chattahoochee; and that the line designated by the margin of the river against its western bank at the ordinary stage of water "is the true line of boundary between the States of Georgia and Alabama."

These resolves, I had supposed, conceded to Georgia the utmost limits she could claim. Indeed, I believe, they contain a brief exposition of the articles of cession, expressed in terms of remarkable accuracy and exactness.

I do not object that the Supreme Court of the United States reversed the judgment in both cases before it. The decision of the primary court in the Georgia case was clearly erroneous—and the Alabama case, if not positively adverse to the law, might have been reversed on the ground that the ruling on the Circuit must have misled the jury. But in attaining these conclusions it was not necessary for the court to have decided that the boundary line between Georgia and Alabama *run along the top of the high Western bank of the Chattahoochee*. The facts in the records clearly indicated that it was not necessary for the court to have determined on what precise point along the bank, the line run—it was quite enough to have said it run as high as the point marked by the water at its ordinary stage. This would have entitled the plaintiffs to recover in both cases, and left the question of State boundary to be settled in a direct proceeding.

The opinion of the court was not unanimously concurred in. Though all assented to judgments of reversal, three of the Judges expressed opinions substantially agreeing with our resolutions of February, 1846.

All we have ever desired is, that the articles of cession shall be interpreted with an enlightened reference to the established principles of construction—good faith—the subject matter and object to be effected—common sense, and the probable meaning intended to be given to controlling words, are sure guides to explicate the intention of the parties. If these lead to a conclusion against us, we should submit. But as the decision referred to, has been made under circumstances of which he may justly complain, is prejudicial to many of our people, and the argument was concurred in by a bare majority of the court, I submit it to your discretion to determine whether you will make provision for the initiation of a suit under the Constitution of the United States, which shall directly put in issue the question of boundary.

## THE MALTIA AND THE MILITARY.

In obedience to a law of the last session I caused the appropriate

orders to be issued during the past and present years, requiring the militia to be paraded at the Court Houses of their respective counties, on days appointed, that they might be reviewed by me. In most instances, the orders were promptly extended, but in others the absence of officers—a want of familiarity with duty, or vacancy in office, prevented their extension.

In some of the counties, the number on parade, bore a reasonable proportion to those subject to duty—while in others there were no parades, or a meagre exhibition of the strength of the militia. Generally, neither officers nor men discovered the taste for the military or the acquaintance with military tactics, which was seen thirty years ago. This remark of course does not apply to the well disciplined volunteer companies which I reviewed in different parts of the State.

A few of the counties I did not visit, either because I learned that there would be no parade, or because occurrences beyond my control prevented.

Although I had traveled extensively through the State some years since in the performance of official duties, I had not conceived a just estimate of her resources. In variety and value they exceeded all my previous calculations; and the progress of the people in whatever gives dignity and elevation to character is most clearly marked.

The people are most decidedly opposed to militia musters. Persons having the greatest distaste for such displays are sometimes elected officers with the tacit, if not express understanding, that they will neglect their duties and connive at the defaults of others. Frequent resignations—an unfitness for the station, and many other causes, make it difficult to organize a court martial, or if subordinate courts impose a fine, their sentences are often effectually annulled by appeals to higher courts that are never holden.

Public opinion is resistless and should be respected: Our people still cherish the spirit of chivalry, and whenever there is a call to arms, they will obey the summons with a patriotic zeal, which the history of the past does not exceed. No knowledge of tactics is acquired at our ordinary militia musters and drills. Indeed, they are most usually the occasions for the exhibition of indifference, insubordination and disorder—furnishing opportunities, which are often improved, of settling disputes under the influence of intoxication and other excitants unfavorable to reason.

These considerations induce me to recommend a revision of the militia laws, so that musters and drills be dispensed with in times of domestic quiet, or when the peace of the country is not threatened. The organization of volunteer companies should be reported annually to the Adjutant General, stating their strength, to what regiment they belong, &c.

The organization of the militia should be continued by causing all resignations and elections of officers to be communicated to the



secretary of State, and commissions to be issued as at present required. The assessors and collectors of taxes should be required for a reasonable compensation, to report to the judge of probate of their respective counties, the number of males subject to militia duty—designating the beat in which they live. These returns should remain in the office of the judge of probate and copies be delivered to the proper captains. Such reports would furnish us the most accurate returns of the strength of the militia we have ever obtained.

Persons subject to militia duty who do not join a volunteer company, should in consideration of being relieved from attending musters, be taxed a sum not exceeding one dollar a year. The tax thus collected, should be expended, 1st. In the establishment of and support of a school of the Polytechnic order, in which military exercises should be practised, and tactics, engineering and other branches essential to a complete military or practical education should be taught. Then, we should have a nucleus, around and with the aid of which we could promptly send an armed force into the field upon every requisition. In addition to this, we could educate many for the ordinary business and duties of life—train our civil engineers, and to some extent supply the demand from abroad for this growing branch of service.

2d. As the fund would be ample, we should also establish an Agricultural school, with a small experimental farm attached. Such an institution would give increased dignity and honor to agriculture—cause the planting interest to place a higher appreciation upon their business—teach them that the proper cultivation of the soil, the arrangement of the farm and the homestead with a view to comfort, profit and beauty, require a knowledge and the application of science far beyond what is now generally possessed and employed. Book-farming, as it has been called in derision, would be exemplified; and the great benefits resulting from it in the preservation and improvement of their productions, would serve as examples to be “seen and read of all men.”

#### MISCELLANEOUS.

The late Secretary of the Interior conceded that the act of September, 1850, granting the swamp and overflowed lands within our limits to the State, requires the designation of these lands to be made through his Department, and I believe caused the local land officers to be instructed to make out lists of the swamp and overflowed lands in their respective districts, by a reference to the field or descriptive notes in their offices. I took leave respectively to suggest to that officer that there was no reliable data in these offices, from which lists could be made out with any approximation to accuracy, and that Congress should be so informed, that an appropriation could be made if deemed expedient. My suggestion

has, however, been disregarded, and it is supposed that the land officers have transmitted papers professing to designate the swamp and overflowed lands in their respective districts. I recently received from the Commissioner of the General Land Office the copy of such a paper for the Tuscaloosa district, which specified but 2,595 acres of such land, with the request that I would ask a patent therefor. I answered by a respectful protest against the mode in which the lands were selected—stated that a bird's-eye view would discover at least thirty thousand acres, and the compass and chain many more—and declined asking a patent, with the assurance that the matter should be referred to you.

According to an estimate communicated to Congress by a late Commissioner of the General Land Office, the quantity of swamp and overflowed lands granted to this State by the act of September, 1850, was 436,450 acres—some of this has doubtless been sold, and the money paid in or accounted for, to the federal treasury. I respectfully recommend that Congress be requested to cause the lands granted by the act to be accurately designated and a patent issued therefor, and the money received for such as have been sold to be paid over; or that you adopt some other measure promising equal benefit to the State.

Shortly after, it was determined by joint committee of the last General Assembly in which county the State Hospital for insane persons should be located, I appointed Dr. A. Lopez, of Mobile, upon the recommendation of the same committee, to perform the duties required by the twenty-third section of the act in relation to the Hospital. The time allowed by the act within which Dr. Lopez was to submit his report, was too short to permit him to make the inquiries and examinations required; consequently it was not made for several weeks after, the first of June, 1852. No inconvenience, however resulted from this, but the delay was compensated by the full and instructive report he furnished.

The particular site selected for the Hospital is on lands adjoining our University grounds, and in full view of the University buildings—barely two miles from the city of Tuscaloosa, and much nearer where it is supposed the line of the North-eastern and South-western Rail Road will run. The grounds attached to the site contain more than 320 acres, and are believed by the commissioners appointed by the joint committee, to possess every requisite prescribed by the act.

I shall doubtless be furnished with the report of the Trustees in due season, which will contain all the information that is important upon this subject.

At a Convention of Delegates from some of the Southern States, assembled in this city in May last, an "Agricultural Association of the slaveholding States" was organized by the adoption of a constitution and the election of officers. This Association unanimously adopted a resolution declaring it was expedient for each of

the Southern States, in connection with the Chair of Agricultural Chemistry, in their Colleges or Universities, to provide an assistant Professorship, "the duties of which shall be to analyze soils, manures and vegetable productions," unless such provision shall be made in an Agricultural school established by the State. With equal unanimity it was recommended to the several States participating in the Association to cause Geological and Agricultural surveys to be made at as early a day as practicable.

I fully concur in these resolutions, as indicated by my message at the opening of the last General Assembly, and herewith transmit copies which the Secretary of the Association has communicated to this Department for your consideration.

Immediately after I was informed of the passage by Congress of an act extending the time for the selection by this State, of lands in lieu of the sixteenth sections within the territory acquired from the Chickasaw Indians by their last cession, I appointed an agent upon his own solicitation, who, after some delay, resigned in consequence of the bad health of himself or some member of his family. I then appointed a successor upon an assurance that he would promptly act, who, perhaps after quite as long delay, resigned, I understand, upon the ground that the terms of the act of the last session under which he was appointed were not agreeable to him.

Since these several resignations, I have appointed Erasmus N. Mathews, of Franklin county, who has undertaken to perform the duties of his agency with all reasonable promptness. He is satisfactorily represented to me as entirely trustworthy and competent; and I sincerely hope that through him this hitherto troublesome business may be closed at an early day.

I again call your attention to the salary of the State Treasurer. The sum now allowed him is not an equivalent for the responsibility of this office, or the services he renders. He executes an official bond with sureties in the sum of two hundred and fifty thousand dollars—receives more than a half million of dollars from tax collectors, to say nothing of receipts from other sources—is subject to loss from spurious coin and counterfeit bank bills. In addition to this, he is charged with a heavy correspondence, keeping books, &c.

The facility with which the present treasurer completes his bond, and the ability of his sureties, are proofs of his integrity; indeed, I regard the treasurer and his assistant as models in their department, and earnestly recommend the treasurer's salary to be increased to two thousand dollars.

Previous to the adoption of our Constitution, and since, many private acts of the Legislature have been enacted, some of which are indispensable elements in the titles to property, and most of them important in some point of view. None of the compilations of our statute laws, since that prepared by Judge Toulmin, contain

any of these enactments—no regular file of them has been preserved among the archives of the State; but they may be found in the session acts of the Mississippi and Alabama territories, and of this State.

I respectfully suggest the propriety of causing a digested index to be made of these acts, and reported to the next session of the General Assembly. Such a work would not require much labor, and is due to the many who are interested. It should be made evidence of the acts it would recite, subject to be controlled by the production of the original or an authenticated copy.

Pursuant to the act of the last session, "to authorise the appointment of an agent to settle and collect from the General Government, moneys advanced or expended during the Mexican war," I appointed Robert T. Scott, of Jackson county, to perform the duties contemplated. Mr. Scott has executed his agency with promptness, and to my entire satisfaction, and has transferred to the State Treasurer the funds placed to his credit by the Department at Washington. His time, trouble and expense, in my opinion, entitle him to the highest compensation provided by the act, and I therefore allowed it.

As it is no longer doubtful that the Rail Road from the Alabama river, in the direction of Jackson, Mississippi, will be speedily completed, I recommend the repeal of the act of February, 1850, "to dispose of the unappropriated portion of the five per cent. fund," and all kindred enactments, so far as they authorize the loan of any portion of that fund to Plank Road companies.

Under the act referred to, the Cahaba and Woodville Plank Road company, upon a compliance with its conditions, has received a loan of        dollars.

It is very questionable whether the State has saved anything by the change from Annual to Biennial sessions of the General Assembly. Our sessions, under the change, have been protracted to three months. During the first two, but little business is done, thus the work of the session is thrown upon the last month, and the members, anxious to return to their homes, hurry to a close as speedily as possible. The consequence has been, that important business is neglected, and many of the Legislative acts are expressed in careless and inaccurate language, at variance with good taste.

While I will not advise a proposition to change the Constitution, I believe it would be altogether preferable to have Annual sessions, limited to six weeks, or if continued beyond that time, to allow no compensation to the members for the excess. Such a modification would expedite labor—certainly it would improve Legislation by quickening the industry of members, and inviting to your halls many who decline offering for seats in the Legislature, because they are unwilling to be absent from home as long as the present sessions require.



The reduction of the fees of the Clerk of the Supreme Court, by the act of 1848, was so great as to leave that officer a very inadequate compensation for his services. The increase by the act of the last session will add but little to the aggregate of his fees. There are now but few judgments rendered on certificate, and I suppose fewer records filed than there were a few years ago. These causes, together with the repeal of the fee for the final record, will account for the great falling off in the clerk's receipts. I recommend a revision of the laws upon this subject, and advise such an increase of fees as are due to the labor and qualifications that the office requires.

I deem it my duty to inform you that it has been necessary to draw largely upon the contingent fund to repair repeated injuries to the roof of the capitol, from storms or other causes, and to plastering and painting, from the consequent leaks. From the most satisfactory information I could obtain, I incline to the belief that the defects in the roof are mainly attributable to the manner in which the tin is laid down, and to make it secure and water-proof, for any length of time, it should be covered anew. The contractor is liable on his bond, and if you deem it proper you may require him to make good the defects of his work.

The duties devolved on me by acts of the last Legislature, have all been performed, except so far as I have stated in this communication. I am of opinion that the flues made in the State House at the time of its construction, for the admission of heated air to warm the two Legislative Halls, will be found too small, when the weather is very cold. Should this be so, other flues can be made, or the fire-places in the halls can be used.

The duties of Governor have been greatly increased within the last few years. Indeed, his labors may be said to be constant, though not onerous; and make it proper that he should reside at the seat of Government. I therefore recommend that provision be made for that purpose by an increase of salary or otherwise, as you may deem best.

No State seal has been provided by the Legislature, though some of our laws contemplate its existence. The seal now used has been silently adopted by the Executive, or Secretary of State, and is intended to represent the rivers of our State, though apparently unmeaning. I have devised a coat of arms, simple and significant, suitable to be impressed on a seal, and will hand the design to any committee to whom the subject may be referred.

Since the last session of the Legislature, I appointed Lyman Gibbons a Judge of the Supreme Court, *vice* Edward S. Dargan, resigned; and Joseph P. Saffold, Chancellor of the Southern Division, *vice* Joseph W. Lesseesne, resigned. It is with profound regret that I announce to you the death of Chancellor Saffold. He was a man of great purity of character, and admirably adapted, by his attainments and the structure of his mind, to the station to which he had been called.

From the most reliable information I have been able to obtain, neither the yellow fever nor any other form of disease has existed as an epidemic in this city since the appearance of the frost on the morning of the 25th ult. True, there has been some few cases since that day, of persons who were here for some time previously; but I have the most positive assurances, from physicians and others, that no person who has come to the city since the frost, has been attacked. Had my information been otherwise, I should have promptly employed my Constitutional power, to cause the meeting of the General Assembly at some other place than the seat of Government.

I sincerely hope that that unseen hand which "governs in the affairs of men," may control your deliberations, and that your acts may be eminently promotive of the public welfare.

H. W. COLLIER.

EXECUTIVE CHAMBER,  
Montgomery, Nov. 15, 1853. }

Said message was partially read, when, on motion of Mr. Hays, the further reading of the same was suspended, and 5000 copies thereof ordered to be printed.

The House then adjourned until to-morrow morning, at 10 o'clock.

WEDNESDAY, November 16, 1853.

The House met, pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which, on motion of Mr. Alldredge, were referred to the Committee on Divorce and Alimony.

Mr. Burnett introduced a bill for the relief of the executors of Sarah Rhoades, which was read and ordered to a second reading on to-morrow.

Mr. A. Holly introduced a bill to allow the commissioners of the sixteenth section, township four, range fifteen, in Covington county, certain compensation therein named.

Mr. Reynolds introduced a bill to be entitled an act to repeal a part of section 3439 of the code;

Also, a bill to be entitled an act to repeal a part of section 1065 of the code.

Mr. Watkins introduced a bill to be entitled an act to exempt certain property from sale by executors or administrators.

Mr. Vest introduced a bill to be entitled an act to repeal sections 769, 770 and 771 of the code, in their application to the county of Hancock;

Also, a bill to be entitled an act to repeal certain sections of the code therein named.

Mr. Camp introduced a bill to authorise the Bank of Mobile, the Southern and Northern Banks of Alabama, to issue bills of less denomination than five dollars.

Mr. Pickett introduced a bill entitled an act incorporating the town of Moulton, in Lawrence county; also,

An act to authorise the compromise and sale of the bad and doubtful debts belonging to the estate of James M. Beerners, deceased.

Mr. Hanserd introduced a bill to be entitled an act to repeal section 2464, of article the fifth, of chapter the nineteenth, of the new code.

Mr. Webb introduced a bill to increase the pay of jurors and witnesses in the county of Lowndes.

Mr. Creagh introduced a bill to compel slave holders to keep a white residing with their slaves;

Also, a bill to provide for the payment of jurors and witnesses before coroners.

Mr. Fletcher introduced a bill to be entitled an act to repeal in part the patrol law now in force in the county of Marshall.

Mr. Gilbreath introduced a bill to make the tax assessor of the county of Marshall elective by the people.

Mr. Percy Walker introduced a bill to be entitled an act to define the rights of accused persons;

Also, a bill to be entitled an act to exempt slaves from levy and sale under legal process.

Mr. Cole introduced a bill to be entitled an act to authorise certain banks in this State to issue bills under the amount of five dollars.

Mr. Johnson introduced a bill to amend the law in relation to the settlements of Guardians and Wards.

Mr. Henry introduced a bill to divide the county of Pickens into Commissioners' Districts.

Mr. Whitsitt introduced a bill to be entitled an act to authorise A. N. Janes, of Louisiana, to remove the property of his ward, Claiborn Potts, a lunatic, to Louisiana.

Mr. Curry introduced a bill to divorce a certain person therein named.

Mr. Bishop introduced a bill for the incorporation of Pinckneyville Academy.

Mr. Gordy introduced a bill for the permanent location of the county site of Washington county.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Bishop presented the petition of several citizens of Tallapoosa county.

Mr. Belser moved to take from the table the resolution offered by Mr. Johnson, on yesterday, proposing the appointment of a Committee, to whom all proposed amendments to the Code of Alabama are to be referred. Said motion was carried.

Mr. Belser then moved to amend said resolution by striking out all after the word "that," in the first line, and insert the follow-

ing: "In addition to the usual Standing Committees, the Chair appoint another Standing Committee, to be designated the Committee on the New Code, to which said committee shall be referred all proposed amendments to the said new code, and all bills and other legislative proceedings having for their object a change of any of its provisions, originating in this House, or which may be sent to it from the Senate"—pending which, Mr. Speaker announced that the hour had arrived for taking up the orders of the day.

Mr. Agee moved to suspend the orders of the day, which prevailed.

Mr. Meek moved to amend the amendment proposed by Mr. Belser, by striking out all after "Committee on New Code," and insert as follows: "To which all bills affecting any of the provisions of the said code (which shall have been ordered to a third reading) shall be referred for the purpose of having their language and arrangement adapted to those of the said code."

Mr. Creagh moved to lay Mr. Meek's amendment on the table.

Mr. Greene moved to lay the whole subject on the table.

Mr. Curry called for a division of the question.

The question being first taken upon laying Mr. Meek's amendment to the amendment on the table, which motion prevailed—Yeas 66, Nays 29.

Those who voted in the affirmative were:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Bell, Belser, Benners, Burnett, Camp, Calhoun, Clifton, Cochran, Cole, Comer, Creagh, Curry, J. W. Davis, W. P. Davis, Farrior, Fletcher, Foreman, Gibson, Gilbreath, Gillam, Gordy, Hanserd, Hatcher, A. Holly, Horn, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, Martin, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newman, Owen, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, Shelly, Skelton, St. John, Sterritt, Todd, Vest, Walker of Mobile, Watkins, Weaver, Webb, Wilkins, Wills and Yeldell.

Those who voted in the negative are:

Messrs. Allen, Bishop, Brown, Carroll, Cowan, Cook, Ervin of Wilcox, Foscue, Fox, Garth, Gooden, Greene, Hall, Hays, Henry, Hill, R. H. J. Holly, Laughinghouse, Lawrence of Fayette, McBryde, Meek, Newell, Odom, Rutherford, Talbert, Thornton, Walker of Lauderdale, Whitsitt and Yelverton—29.

The question then recurred on laying Mr. Belser's amendment on the table. Mr. Belser demanded the yeas and nays, and the motion prevailed. Yeas 68, nays 28.

Those who voted in the affirmative are:

Messrs. Alldredge, Allen, Benners, Bishop, Burnett, Carroll, Clifton, Cole, Cowan, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, Fletcher, Foreman, Foscue, Fox, Garth, Gibson, Gil-

breath, Gooden, Green, Hall, Hanserd, Hays, Henry, A. Holly, Humphreys, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Newman, Odom, Owen, Reynolds, Rhodes, Sanford, Scott, Skelton, St. John, Sterrett, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Weaver, Whitsitt, Wilkins, Wills and Yeldell—68.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Agee, Belser, Brown, Camp, Calhoun, Cochran, Comer, Creagh, Curry, Gillam, Gordy, Hatcher, Hill, R. H. J. Holly, Horn, Jay, Martin, Nelms, Payne, Phillips, Pickett, Robinson, Rutherford, Shelly, Webb and Yelverton.

The question then recurred on laying on the table the original resolution of Mr. Johnson.

Mr. Belser demanded the yeas and nays, and the motion prevailed. Yeas 74, nays 22.

Those who voted in the affirmative are:

Messrs. Speaker, Alldredge, Allen, Bell, Benners, Bishop, Burnett, Camp, Carroll, Clifton, Cole, Cowan, Cook, Creagh, Curry, J. W. Davis, Farrior, Fletcher, Foreman, Foscue, Fox, Garth, Gibson, Gilbreath, Gooden, Gordy, Green, Hall, Hanserd, Hatcher, Hays, Hill, R. H. J. Holly, A. Holly, Humphreys, Inge, Irwin of Walker, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Newman, Odom, Owen, Pickett, Phillips, Reynolds, Sanford, Scott, Skelton, St. John, Sterrett, Talbert, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Whitsitt, Wilkins, Wills, Yeldell and Yelverton—74.

Those who voted in the negative are:

Messrs. Abercrombie, Agee, Belser, Brown, Calhoun, Cochran, Comer, Gillam, Henry, Horn, Jay, Johnson, Martin, McCall of Barbour, Nelms, Payne, Rhodes, Robinson, Rutherford, Shelly and Webb—22.

On motion of Mr. Foscue, the House adjourned until to-morrow morning at 10 o'clock.

THURSDAY, November 17, 1853.

The House met, pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Mr. Speaker announced the following Standing Committees:

*On the Judiciary*—Messrs. Cochran, Walker of Mobile, Belser, Humphreys, Benners, Greene, W. P. Davis, Pickett and Watkins.

*On Federal Relations*—Messrs. Hubbard, Walker of Lauderdale, Cochran, Belser, Scott, Meek, Foscue, Shelly and Creagh.



*On Internal Improvements*—Messrs. Curry, Walker of Lauderdale, Judge, Alldredge, Comer, Meek, Gilbreath and Rutherford.

*On Propositions and Grievances*—Messrs. Foscue, Comer, Payne, Cowan, Musgrove, Calhoun, Lawrence of Fayette and Ervin of Wilcox.

*On County Boundaries*—Messrs. Fletcher, Bishop, Reynolds, Henry, A. Holly, Gillam, Horn, Cole and Newell.

*On Sixteenth Section Fund*—Messrs. Whitsitt, Curry, Judge, Benners, Humphreys, Weaver, Lindsey, Lawrence of Cherokee and R. H. J. Holly.

*On the University*—Messrs. Agee, Sterrett, Owen, Brown, McBryde, Inge, Allen, Garth and Fox.

*On Public Printing*—Messrs. Gilbreath, Davis of Bibb, Murphy, Cowan, Gibson, Irwin of Walker, Musgrove, Skelton and McBryde.

*On Accounts and Claims*—Messrs. Alldredge, Davis of Bibb, Burnett, Carroll, Wills, Johnson, Thornton, Newman and Gooden.

*On Ways and Means*—Messrs. Scott, Alldredge, Hubbard, Hall, Bell, Robinson, Phillips, Creagh and Camp.

*On the Military*—Messrs. Talbert, Hill, Bishop, McCall of Choctaw, Portis, Clifton, Gillam, Jay and Farrior.

*On Education*—Messrs. Meek, Lindsey, Greene, Shelly, Fox, Cook, Lawrence of Shelby, Hall and Sanford.

*On Agriculture*—Messrs. McCall of Barbour, McCall of Choctaw, Todd, Nelms, Wilkins, Hanserd, Rhodes and Farrior.

*On Divorce and Alimony*—Messrs. Yelverton, W. P. Davis, Gordy, Jay, Abercrombie, Lawrence of Fayette, Lawrence of Cherokee, Newman and Nelms.

*On Roads, Bridges and Ferries*—Messrs. Davis of Bibb, Fletcher, Hays, Ward, St. John, Newell, Henry, Vest and A. Holly.

*On Corporations*—Messrs. Humphreys, Agee, Carroll, Cook, Yelverton, Foreman, Todd, Inge and Webb.

*On the State Bank and Branches*—Messrs. Martin, Comer, Owen, Garth, Pickett, Payne, Portis, Hatcher and Hanserd.

*On Banks and Banking*—Messrs. Hall, Walker of Mobile, Greene, Weaver, Phillips, Talbert, Rutherford, Brown, and Irwin of Walker.

*On Privileges and Elections*—Messrs. Murphy, Ervin of Wilcox, Clifton, Vest, Skelton, Hays, Yeldell, Watkins and Johnson.

*On the Penitentiary*—Messrs. Weaver, Foscue, Sterrett, Laughinghouse, Gibson, Reynolds, St. John, Yeldell and Foreman.

*On Enrolled Bills*—Messrs. Lindsey, Allen, Rhodes, Payne, Watkins, Burnett, Brown, Bell, and Lawrence of Shelby.

*On the State Capitol*—Messrs. Belser, Camp, Lawrence of Shelby, Calhoun, Hatcher, Owen, Abercrombie, Findley and McBryde.

*On Retrenchment*—Messrs. Fox, Odom, Thornton, Findly, Ward, R. H. J. Holly, Laughinghouse, Gordy and Williams.

A message was received from the Senate, by Mr. Nicholson, as follows:

Mr. Speaker—The Senate has passed a bill to repeal the 1749th and the 1764th sections of the code of laws on the subject of the sale of slaves and real property of deceased persons.

The Senate has also adopted the following resolution:

*Resolved*, That with the concurrence of the House, the General Assembly will convene in the Representative Hall, on Friday, the 18th inst., at 12 o'clock, M., for the purpose of counting the vote, and declaring the election of Governor, pursuant to the provisions of the constitution, in which the concurrence of the House is requested.

Mr. Cochran introduced a bill to be entitled an act to change the time of holding the Circuit Court of Barbour county.

Mr. St. John introduced a bill to be entitled an act to amend a section therein named.

Mr. McCall introduced a bill to repeal an act exempting certain persons from working on the public road in the county of Choctaw.

Mr. Yelverton introduced a bill to be entitled an act to remove obstructions in Pea river;

Also, a bill to be entitled an act to abolish the Separate Chancery Court System in the State of Alabama;

Also, a bill to fix the number, regulate the pay and qualifications of jurors for the county of Coffee;

Also, a bill to be entitled an act for the relief of R. T. Atkinson;

Also, a bill to be entitled an act to authorise bank agencies in the county of Coffee.

Mr. Ward introduced a bill to be entitled an act to remove obstructions in the Choctawhatchee river.

Mr. Carroll introduced a bill entitled an act to exempt certain property from execution.

Mr. Benners introduced a bill to provide for the extension of time for the assessment of the taxes in the county of Greene, and for other purposes;

Also, a bill to require the tax collectors to collect only one-half the taxes under the first assessment of the new code.

Mr. Hays introduced a bill to be entitled an act to amend the law in relation to the appointment of tax assessors in the counties of Henry and Choctaw.

Mr. Pickett introduced a bill entitled an act to regulate the sale of real and personal property by executors and administrators.

Mr. Webb introduced a bill defining the duties of tax collectors in Lowndes county in certain cases.

Mr. Rutherford introduced a bill entitled an act to amend sections 517 and 527 of the code, providing for survey and sale of sixteenth sections.

Mr. Laughinghouse introduced a bill to be entitled an act to amend the law now in force exempting certain property from levy and sale by legal process.



Mr. Creagh introduced a bill to repeal section 2257 of the Code of Alabama.

Mr. Percy Walker introduced a bill to be entitled an act to alter and amend an act entitled an act to incorporate the Mobile Live Stock and General Insurance Company, approved December 20, 1851.

Mr. Belser introduced a bill entitled an act to increase the salaries of Circuit Court Judges and Chancellors in this State.

Mr. Johnson introduced a bill to consolidate the offices of Tax Collector and Assessor;

Also, a bill for the relief of Susan Goodwin, in Pickens county.

Mr. Henry introduced a bill to repeal in part section 830 of the code.

Mr. Calhoun introduced a bill to authorise the School Commissioners of township 14, range 27, in Russell county, to retain notes given for sixteenth sections until due and collected.

Mr. Whitsitt introduced a bill to be entitled an act providing for the appointment of a general Guardian for the county of Sumter.

Mr. Curry introduced a bill to authorise the Governor to issue a patent to a certain person therein named;

Also, a bill to incorporate the Baptist Male High School;

Also, a bill to prevent the levy of garnishment in certain cases.

Mr. Gillam introduced a bill to be entitled an act to allow the Circuit Court of Tallapoosa county two weeks, and to change the time of holding court in Talladega county. Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Pickett introduced a bill entitled an act to repeal the Code of Alabama, which was read, and the House refused to order it to a second reading.

Mr. Fletcher presented the petition of several citizens of Marshall county, which was referred to the Committee on the Military.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Mr. Speaker laid before the House the reports of the physician and inspectors of the Penitentiary, which were referred to the Committee on the Penitentiary.

Mr. Speaker laid before the House, the Comptroller's Report for the fiscal years of 1852-'53, which, on motion of Mr. Alldredge, was laid on the table, and five thousand copies thereof ordered to be printed.

The Senate bill, entitled an Act to repeal and amend the 1749th-1764 sections of the Code was read, and on motion of Mr. Cochran, the constitutional rule was suspended, and said Bill was read the second time forthwith, and referred to the Committee on the Judiciary.

Mr. Talbert moved to amend the said bill by striking "Probate Court," where the same occurs in the bill, and inserting "Executors and Administrators."

Mr. Greene moved to lay said amendment on the table—said motion was lost.

The question then recurred on the said amendment, which was lost. Yeas 43; nays 50.

Those who voted in the affirmative are:

Messrs. Speaker, Bishop, Camp, Calhoun, Clifton, Cochran, Cole, Creagh, Curry, W. P. Davis, Farrior, Foreman, Gibson, Gillam, Gooden, Hanserd, Hays, Henry, R. H. J. Holley, A. Holley, Horn, Irwin of Walker, Jay, Johnson, Lawrence of Shelby, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Owen, Phillips, Rhodes, Rutherford, Sanford, Shelly, Skelton, Talbert, Ward, Wills, and Yeldell—43.

Those who voted in the negative are:

Messrs. Agee, Aldridge, Allen, Bell, Belser, Benners, Brown, Burnett, Carroll, Comer, Cowan, Cook, J. W. Davis, Foscue, Fox, Garth, Gilbreath, Gordy, Greene, Hall, Hatcher, Hill, Humphreys, Inge, Laughinghouse, Lindsey, Martin, McBride, McCall of Barbour, Meek, Murphy, Newell, Newman, Payne, Pickett, Robinson, Scott, St. John, Sterritt, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver, Webb, Whitsitt, Wilkins, and Yelverton—50.

Mr. Percy Walker moved to amend said bill by excluding Mobile from its application, and on motion, the counties of Morengo, Montgomery, and Henry, were included in said amendment.

Mr. Martin moved to refer the bill and amendment to the Committee on the Judiciary—the motion prevailed.

The message from the Senate, proposing to assemble on the 18th inst., to count the votes for Governor, was concurred in.

Mr. Fox offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the House of Representatives on Thursday next, for the purpose of electing a United States Senator to fill the vacancy occasioned by the resignation of the Hon. William R. King; also for the purpose of electing a Senator to fill the vacancy occurring on the 4th of March last, by the expiration of the term of Hon. Jere. Clemens.

Mr. Greene offered a resolution proposing that the House meet at 9 o'clock, A. M., which, under the rules, was ordered to lie over one day.

Mr. Martin offered the following resolution, which was adopted,

*Resolved*, That all Acts of a general nature, past at the last session of the General Assembly, together with such Acts of a like character that may be passed at the present session, before the first day of January, 1854, be referred to the Judiciary Committee, with instructions to codify the same, and so to change the phraseology of the Acts referred to as to make them conform to that of the Code, not, however, in any respect to change the object or intention of any of said Acts, but to render them a suitable ap-

pendix to the said Code of Alabama, and that said Committee report the same in the form of a bill for the consideration and action of the House.

Mr. Foscue offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to report on to-morrow, the Senate bill regulating the sale of slaves of deceased persons, which was carried.

Mr. Henry offered the following Resolution :

*Resolved*, That with the concurrence of the Senate, the two Houses will adjourn "*sine die*," on the 2d day of January, 1854, which was lost.

Mr. Pickett moved to reconsider the vote just taken, which was lost.

#### ORDERS OF THE DAY.

The House then proceeded to the consideration of the orders of the day.

The bill to exempt certain property from levy and sale was read the second time.

Mr. Vest moved to amend said bill by striking out "one" and inserting "two," so as to read two hundred bushels of corn.

Mr. Humphreys demanded the yeas and nays on the amendment, and said amendment was lost. Yeas 35; nays 60.

Those who voted in the affirmative are :

Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Clifton, Cochran, Comer, Creagh, Fletcher, Fox, Gilbreath, Greene, Hall, Henry, Humphreys, Inge, Johnson, Lindsey, McCall of Choctaw, McCall of Barbour, Nelms, Payne, Pickett, Robinson, Rutherford, Scott, Shelly, Thornton, Vest, Walker of Mobile, Watkins, and Whitsitt—35.

Those who voted in the negative are :

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Bishop, Brown, Burnett, Camp, Cole, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Foreman, Foscue, Garth, Gibson, Gilham, Gordy, Hanserd, Hays, Inge, R. H. J. Holly, A. Holly, Horn, Irwin of Walker, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Martin, McBryde, Meek, Murphy, Musgrove, Newell, Newman, Odom, Owen, Phillips, Reynolds, Rhodes, Sanford, Skelton, St. John, Sterritt, Talbert, Todd, Walker of Lauderdale, Ward, Weaver, Webb, Wilkins, Wills, Yeldell, and Yelverton—60.

Mr. Sterritt moved to amend by adding 2464 after 2461 where the same occurs in the bill.

Mr. Davis moved to refer said bill and amendment to the Committee on the Judiciary—the motion prevailed.

The Senate bill to exempt certain property from levy and sale, was read the second time.

Mr. Davis moved to amend by striking out the word "is" and inserting "are," where it occurs in the bill—carried.

Mr. Lawrence, of Fayette, moved to suspend the constitutional

rule, which was carried. Said bill was then read the third time forthwith and passed.

The bill to repeal so much of the Code of Alabama as prohibits certain persons from sitting on juries, was read the second time and referred to the Committee on the Judiciary.

The bill to amend the Code was read the second time.

Mr. Creagh moved to amend by striking out section "Second," and inserting,

"*Be it further enacted*, That the place of sale shall be selected by the executor or administrator, having regard to the place most beneficial to the interest of the estate." Said amendment was lost, and the bill was referred to the Committee on the Judiciary.

The bill to authorize Circuit Judges and Chancellors to practice in certain cases, was read the second time and referred to the Committee on the Judiciary,

The bill making copies of deeds evidences in certain cases, was read the second time, and referred to the Committee on the Judiciary.

The bill to regulate the sale of slaves, was read the second time and referred to the Judiciary Committee.

The bill to be entitled An Act to amend an Act to incorporate the Northern Bank of Alabama, was read the second time, and referred to the Committee on Banks and Banking.

The bill to authorize the removal of the administration on the Estate of Robert G. Cole, was read the second time, and ordered to a third reading on to-morrow.

The bill to change the names of Virginia Mingu and others, was read the second time, and on motion of Mr. Foscue was laid on the table.

The bill to amend the charter of the Mechanics' Savings Company of Mobile.

The bill for the permanent location of the county site of Washington county was taken from the general orders, and on motion of Mr. L. P. Walker the constitutional rule was dispensed with, and said bill was read the second and third times forthwith and passed.

The bill for the relief of a certain person therein named was read a second time.

Mr. Curry moved to amend said bill as follows:

SEC. 2.—*Be it further enacted*, That Thomas Renfro, sheriff Elect for Talladega county, be entitled to the same privileges as is here granted to the sheriff of Lowndes county; and the Probate Judge of Talladega county shall accept and approve his official bond as if it had been made within the time prescribed by law.

The bill to change the name of Martha G. Tisdale was read the second time, and on motion of Mr. Creagh was laid on the table.

The bill to amend the law relating to Grand and Petit Jurors was read the second time, and referred to the Committee on the Judiciary.

The bill for the relief of John G. Hall, was read the second time and referred to the Committee on Propositions and Grievances.

The bill for the repeal of the Act for the keeping of Paupers in the county of Marshall, was read the second time and ordered to a third reading.

The bill for the benefit of tax payers was read the second time. Mr. Newman moved to amend by striking out four and inserting six; on motion of Mr. Cochran said bill and amendment was referred to the Committee on Ways and Means.

The bill to increase the pay of Jurors in the county of Pike. Read the second time and referred to a select Committee composed of the delegation from the county of Pike.

The bill to repeal so much of the Code as prohibits the circulation of bills of the banks of other States of less denomination than five dollars, was read the second time and referred to the Committee on Banks and Banking.

Mr. Shelly moved that one thousand copies of the report of the Inspectors and Physician of the Penitentiary, or so much thereof as they think the public good requires, be printed for the use of the House. Said motion prevailed.

The bill for the relief of the executors of Jared Rhodes, was read the second time and referred to the Committee on the Judiciary.

The bill to be entitled an Act to allow the Commissioners of the 16th section, township 4, range 15, in Covington, certain compensation therein named, was read the second time and referred to the Committee on Propositions and Grievances.

The bill to be entitled an Act to repeal a part of section 34, 39 of the Code, was read the second time and referred to the Committee on the Judiciary.

The bill to be entitled an Act to repeal a part of section 1065 of the Code, was read the second time and referred to the Committee on the Judiciary.

The bill to exempt certain property from sale by executors and administrators, was read the second time and referred to the Committee on the Judiciary.

The bill to repeal a certain section of the Code therein named, was read the second time and referred to the Committee on the Judiciary.

The bill authorizing the Bank of Mobile and the Northern and Southern Bank of Alabama. Read a second time and referred to the Committee on Banks and Banking.

The bill to incorporate the town of Moulton in Lawrence county, was read the second time and referred to a select committee composed of the delegation from Lawrence city.

The bill to authorise the compromise and sale of bad and doubtful debts belonging to the estate of James M. Bond, was read the



second time and referred to the Committee on the Judiciary; and then the House adjourned until to-morrow morning at 10 o'clock.

NOVEMBER 18, 1853.

The House met, pursuant to adjournment.

Mr. N. P. Davis notified the House that he should move to reconsider the vote taken on yesterday refusing to order to a second reading the bill to repeal the Code of Alabama.

Mr. Shelly gave notice that he should move to reconsider the vote taken on yesterday, adopting the resolution offered by Mr. Martin, referring all acts of a general character passed by the last session of the General Assembly, together with the acts of a like nature that may be passed at the present session before the first day of January, 1854, to the Judiciary Committee, with instructions to said committee to codify the same, and so to change the phraseology as to make them conform to the Code.

Mr. Benjamin P. Portis, member elect from Sumter, appeared within the bar of the House, was qualified and took his seat.

Mr. Speaker laid before the House the report of the Secretary of State, in relation to the vote taken on the third Monday in August, 1853, on the subject of consolidating the sixteenth section fund. On motion of Mr. Humphreys, said report was referred to the Committee on the sixteenth section fund.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Mr. St. John introduced a bill to be entitled an Act to restrict the session of the Legislature.

Mr. Clifton introduced a bill to make tax assessor, county treasurer, and county surveyor of Cherokee elected by the people.

Mr. Jay introduced a bill to incorporate the Bellville Academy; also a bill for the relief of Lorenzo Dow Dean, of Butler county, Alabama.

Mr. Weaver introduced a bill to authorize sheriffs to qualify claimants.

Mr. Lindsey introduced a bill to amend section 185 of the Code of Alabama, and for other purposes.

Mr. Inge introduced a bill to reduce the fees of Probate Judges in cases of runaway slaves.

Mr. Hays introduced a bill to be entitled an Act to amend the law in relation to estrays.

Mr. Camp introduced a bill to require the circuit clerk and sheriff to receive county claims in the payment of fines and forfeitures in the county of Jefferson.

Mr. Pickett introduced a bill to change the time of holding circuit courts in the fourth judicial circuit of the State of Alabama.

Mr. Cook introduced a bill to be entitled an Act to amend sections 2505, 2508, of the Code of Alabama.

Mr. Murphy introduced a bill to be entitled an act to authorize probate judges to decree the sale of slaves by guardians in certain cases.

Mr. Gilbreath introduced a bill for the relief of Barton F. Clapp, of Marshall county, Alabama.

Mr. Percy Walker introduced a bill to be entitled an act to prescribe the time at which laws hereafter enacted shall take effect.

Mr. Judge introduced a bill to be entitled an act for the relief of Wm. B. Ray, tax collector of Montgomery county, Alabama.

Mr. Henry introduced a bill to amend the road law of Pickens county, Alabama.

Mr. Newell introduced a bill to be entitled an act to repeal a part of section 2461 of the Code.

Mr. Foreman introduced a bill to be entitled an act to exempt St. Clair, Blount, and Hancock counties from performing patrol duty, except under certain circumstances. Said bills were severally read and ordered to a second reading on to morrow.

Mr. Shelly moved to suspend the call of the counties in order to reconsider Mr. Martin's resolution offered on yesterday.

Mr. Martin moved to postpone the consideration of said motion until Monday next, which was carried.

Mr. W. P. Davis moved to reconsider the vote taken on yesterday refusing to order to a second reading a bill to repeal the Code.

Mr. Hall moved to postpone said motion until Monday next, which was carried.

Mr. W. P. Davis moved to reconsider the vote on Mr. Fox's resolution bringing on the election of United States Senators on Thursday next.

Mr. Martin moved to postpone the consideration of said motion till Monday next, at 12 M., which motion was lost.

The question then recurred on said motion to reconsider, which was lost.

Mr. Pickett presented the petition of citizens in township 6, range 8, in Lawrence county—referred to Committee on Sixteenth Section Fund.

Mr. Pickett presented a petition of 16th section, township 7, range 7 west, in Lawrence county; referred to same committee.

Mr. Foreman presented petitions for the relief of persons therein named; referred to Committee on Propositions and Grievances.

Mr. Curry introduced a bill to amend an act entitled an act supplementary to the Code, approved February 9th, 1852; read and ordered to a second reading.

Mr. Gordy presented a petition from the sheriff of Washington county.

Mr. Humphreys presented a petition of Lawson G——, of Morgan county, which was referred to the Committee on the Judiciary to report by bill or otherwise.



Mr. Ervin, of Wilcox, introduced a bill for the relief of tale-  
surors.

Mr. Belser introduced a bill to be entitled an act to exempt  
certain property therein named from sale for the payment of de-  
cedents' debts. Said bills were severally read and ordered to a  
second reading on to-morrow.

## REPORTS.

Mr. Cochran, from the Committee on the Judiciary, to whom  
was referred the Senate bill repealing and amending sections 1749  
and 1764 of the Code, on the subject of the sale of slaves and  
real property of deceased persons, reported back as a substitute a  
bill to be entitled an act to modify 1749 and 1764th sections of  
the Code. Said report was concurred in.

Mr. Percy Walker moved to amend said substitute so as to ex-  
clude its application to the county of Mobile; and the amendment  
was adopted.

Mr. Cochran then moved to suspend the constitutional rule,  
which was carried. The said bill and amendment was read a third  
time forthwith and passed.

Mr. Scott offered the following resolution, which was adopted:

*Resolved*, That a committee be appointed by the Speaker of the  
House, to consist of one member from each Congressional District,  
whose duty it shall be to apportion the State into Congressional  
Districts according to the census of 1850.

Mr. Curry offered the following resolution, which was adopted:

*Resolved*, That the Committee be instructed to report to the  
House a full account of the 2 and 3 per cent. fund, with the profits  
accruing thereon and all legal appropriations thereof, and the  
aggregate amount of those funds now in the hands of the Trea-  
surer or other agent of the State, or for which the State is ac-  
countable.

Mr. St. John offered the following resolution, which was adopted:

*Resolved*, That the Committee on the Military be instructed to  
inquire into the expediency of abolishing the militia system of  
this State.

Mr. Hall offered the following resolution:

*Resolved*, That so much of the Governor's message as relates to  
the judiciary be referred to the committee on the same.

Federal Relations to the committee on the same.

Internal Improvements.....do.....do.....do.

State Bank and Branches.....do.....do.....do.

Sixteenth Section Fund.....do.....do.....do.

University.....do.....do.....do.

Ways and Means.....do.....do.....do.

Military.....do.....do.....do.

Education.....do.....do.....do.

Agriculture.....do.....do.....do.

Retrenchments, to the Committee on the same.  
 Roads, Bridges, and Ferrys, .do. do. do.  
 Banks and Banking.....do.....do.....do.  
 Penitentiary,.....do.....do.....do.

Mr. Meek moved to amend by adding the following, and that the other topics of the message be referred respectively to the several committees properly having charge of the same. Said motion prevailed.

The question then recurred upon the adoption of the resolution as amended, and the same was adopted.

Mr. Cochran offered the following resolution, which was adopted:

*Resolved*, That the Committee on the Judiciary be authorized to appoint a clerk.

### *Orders of the Day.*

The House then proceeded to the consideration of the orders of the day.

The engrossed bills,

To amend the act incorporating the Mechanics' Savings Company of Mobile, approved February, 7th. 1852;

A bill to be entitled an act to regulate sheriff's sales in the county of Franklin;

A bill to repeal a certain act therein named;

A bill to be entitled an act to repeal sections 769, 770 and 771 of the code, in their application to the county of Hancock;

A bill to authorise the removal of the administration of Robert G. Cole, deceased, late of the county of Jackson, from the court of probate of the said county of Jackson, to the court of probate of the county of Madison, were severally read a third time and passed.

The bill entitled an act to repeal section 2444 of article 5th of chapter the 19th, was read the second time and referred to the Committee on the Judiciary.

A bill to increase the pay of jurors and witnesses in the county of Lowndes, read a second time and ordered to be engrossed for a third reading.

A bill to compel slaveholders to keep a white person residing with their slaves; and

A bill to provide for the payment of jurors and witnesses before coroner's inquests, were severally read the second time and referred to the Committee on the Judiciary.

A bill to be entitled an act to repeal in part the patrol law in the county of Marshall.

Mr. Clifton moved to amend said bill by adding the following:

SEC. 28. *Be it further enacted*, That the provisions of this act be extended to, and made applicable in all particulars, to the county of Cherokee. Said amendment was adopted.

Mr. Newman moved to amend said bill by adding the following:

SEC. 3. *And be it further enacted*, That the provisions of this act shall extend to the county of DeKalb.

Mr. Brown moved to amend by adding Tuscaloosa;

Mr. Foscue by adding the county of Walker;

Mr. Garth by adding the county of Morgan.

Mr. Foscue moved to refer said bill and amendments to the Committee on the Judiciary, to report a general bill on the subject, which was carried.

The bill to make the tax assessor of Marshall county elective by the people, was read the second time.

Mr. St. John moved to amend said bill "by extending the provisions of said bill to the county of Blount."

Mr. Calhoun moved to amend by adding the county of Russell;

Mr. McBryde by adding the county of Pike;

Mr. Hill by adding the county of Chambers.

Mr. Ervin, of Wilcox, moved to refer said bill and amendments to the Committee on Ways and Means to report a general bill on the subject; the motion prevailed.

The bill to be entitled an act to define the rights of accused persons, was read the second time and referred to the Committee on the Judiciary.

The bill to exempt slaves from levy and sale under legal process, was read the second time.

Mr. Watkins moved to refer said bill to the Committee on the Judiciary, which was carried.

Mr. Foscue moved to have 133 copies of said bill printed, which motion was lost.

Mr. Laughinghouse moved to have 500 copies printed, which was lost.

The Senate, by invitation, appeared within the hall of the House, and the two houses in convention proceeded to count the votes for Governor of the State of Alabama for the ensuing gubernatorial term, which is as follows:

Counties.	Winston...	Nicks.....	Earnest....	Walker....	Baker.....	Scattering..
Autauga .....	567	3	330	31	3	..
Baldwin.....	135	..	107	44	..	..
Barbour.....	990	43	290	48	..	31
Benton.....	...	..	...	...	...	...
Bibb.....	621	13	338	...	...	...
Blount.....	583	362	194	...	...	...
Butler.....	314	38	116	107	...	...
Chambers .....	921	72	321	59	...	...
Cherokee .....	1,068	504	6	6	...	...
Choctaw.....	504	2	196	118	...	...

Counties.	Winston..	Nicks.....	Earnest...	Walker...	Baker....	Scattering..
Clarke.....	504	6	22	94	..	..
Coffee .....	...	..	..	..	..	..
Conecuh .....	362	..	3	331	..	..
Coosa .....	1,284	140	247	..	..	..
Covington .....	156	..	..	47	..	..
Dale .....	524	1	65	83	..	..
Dallas .....	599	..	520	..	..	..
DeKalb .....	...	..	..	..	..	..
Fayette .....	906	16	204	1	..	..
Franklin .....	966	80	229	..	..	..
Green .....	657	82	365	74	..	..
Hancock .....	...	..	..	..	..	..
Henry .....	446	2	197	1	..	..
Jackson .....	1,723	143	..	..	..	..
Jefferson .....	842	2	220	..	..	..
Lauderdale .....	881	12	184	..	..	..
Lawrence .....	551	46	501	..	..	..
Limestone .....	...	..	..	..	..	..
Lowndes .....	516	..	385	..	2	..
Macon .....	735	21	840	40	..	..
Madison .....	...	..	..	..	..	..
Marengo .....	665	429	46	87	..	..
Marion .....	751	1	102	..	..	..
Marshall .....	375	802	23	1	..	..
Mobile .....	1,575	..	1,249	..	..	..
Monroe .....	375	1	176	248	..	..
Montgomery .....	637	4	710	33	..	..
Morgan .....	413	280	126	..	..	..
Perry .....	...	..	..	..	..	..
Pickens .....	942	89	245	20	..	..
Pike .....	1,089	..	294	..	..	..
Randolph .....	943	689	39	..	..	..
Shelby .....	699	178	164	2	..	..
St. Clair .....	793	117	8	..	..	..
Sumter .....	741	3	518	..	..	..
Talladega .....	841	890	83	..	..	..
Tallapoosa .....	...	..	..	..	..	..
Tuscaloosa .....	733	50	944	3	..	..
Walker .....	384	7	258	5	..	..
Washington .....	165	..	6	68	..	..
Wilcox .....	...	..	..	..	..	..
Total .....	30,116	5,763	10,157	561	531	

So Mr. John A. Winston, having received a majority of all the votes polled in the State of Alabama on the first Monday in August, 1853, as appears by the legal returns,

Mr. Speaker declared him duly and constitutionally elected Governor of the State of Alabama for the term prescribed by the constitution.

The Senate then withdrew to their chamber, and the House then adjourned until to-morrow morning, at 10 o'clock.

SATURDAY, November 19, 1853.

The House met pursuant to adjournment.

Mr. Speaker announced the following committee to examine the comptroller and treasurer's offices: Messrs. Hall, Payne and Burnett; also, sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Bills were introduced by

Mr. Alldredge, to be entitled an act to repeal an act therein named.

Mr. McCall, to amend the road laws, so far as relates to Choctaw county.

Mr. Jay, to regulate the patrol law in Conecuh county.

Mr. Holly, to regulate the pay of grand and petit jurors in Covington county.

Mr. Phillips, fixing the time for the election of county commissioners in each county in this State.

The above named bills were severally read the first time, and ordered to a second reading on to-morrow.

Mr. Newman introduced a bill to locate permanently the county site of DeKalb county, and for other purposes, which was read.

Mr. Murphy moved to suspend the constitutional rule, which was carried.

The bill was read the second and third times forthwith, and passed.

Message from the Senate, by Mr. Nicholson.

Mr. Speaker—The Senate has adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House on Friday next, the 25th inst., for the purpose of going into the election of a United States Senator to fill the vacancy of the Hon. Jere Clemens, whose term of office expired on the 4th of March last, and also for the election of a Senator of the United States to fill the vacancy occasioned by the resignation of the Hon. William R. King.

The Senate has also passed a bill from the House for the permanent location of the county site of Washington county; and Messrs. Webb, Acklen and Watts have been appointed a committee on the part of the Senate to act with a committee on the part of the



House, to examine the offices of the comptroller of public accounts and the state treasurer.

Bills were introduced by

Mr. Benners, for the payment to the overseers of roads of all moneys arising from fines or defaulters, and for other purposes.

Mr. Vest, to amend the exemption law.

The above bills were severally read, and ordered to a second reading on to-morrow.

Mr. Pickett presented the petition of James McCord, which was referred to the Committee on Propositions and Grievances ;

Also, a petition in relation to the beat law in Lawrence county ;

Also, a petition from Lawrence county of sundry citizens in relation to the retailing of ardent spirits ; which petitions were referred to the same committee.

Mr. Payne introduced a bill to authorise the comptroller of the State to issue his warrant on the treasury for excess of taxes paid by Leroy Napier, a non-resident tax payer.

Mr. Laughinghouse introduced a bill to amend the law in relation to working public roads.

Mr. Walker introduced a bill to authorise the construction of a plank or shell road along the Bay of Mobile.

Mr. Agee introduced a bill to allow pay to jurors in certain cases.

Mr. Judge introduced a bill authorising the probate court of Montgomery county to grant letters of administration on the estate of Wesley D. Hall, deceased, late of the county of Coosa ;

Also, a bill giving the court of probate jurisdiction to compel the administrator or executor of a deceased executor or administrator or guardian to settle the accounts of his testator or intestate, as the case may be ;

Also, a bill amendatory of the laws on the subject of liens on steam boats and other water crafts.

Mr. Belser introduced a bill for the relief of John Silsby.

Mr. McCall introduced a bill to increase the pay of jurors in the county of Perry.

Mr. Horn introduced a bill providing for the compensation of jurors in justices' courts in the county of Pike.

Mr. Foreman introduced a bill to repeal section 1186 of the Code of Alabama ;

Also, a bill to reduce the amount of toll received by owners and keepers of public mills propelled by water.

Mr. Whitsitt introduced a bill to appropriate a certain sum of money therein named.

Mr. Gordy introduced a bill to repeal an act approved 2nd February, 1850.

Mr. Henry introduced a bill to amend the Patrol Law of Pickens county.

These bills were severally read and ordered to a second reading to-morrow.

Mr. Percy Walker introduced a bill to amend the charter of the city of Mobile; which was read a first time; the constitutional rule being suspended, the bill was read a second and third times forthwith and passed.

Mr. Judge introduced a bill to repeal an act to amend the City Charter of Montgomery and for other purposes; which was read, the constitutional rule being suspended, the bill was read a second and third times forthwith and passed.

Mr. Henry presented the petition of sundry individuals of Pickens county, prohibiting the sale of spirituous liquors;

Also the petition of sundry ladies of Pickens county, on the same subject.

Mr. Johnson presented a petition of Mrs. Mary A. Holder and forty-six others, on the same subject; which petitions were severally read, and on motion they were referred to a select committee to consist of one from each judicial circuit.

Mr. Curry introduced a bill to repeal a part of an act entitled an act to dispose of the unappropriated part of the two per cent. fund; which was read, and on motion, the constitutional rule was suspended, the bill was read a second time and referred to the committee on Internal Improvements.

On motion the message from the Senate was taken from the table and read.

Mr. Fox moved that the resolution of the Senate, proposing to go into the election of a United States Senator on Friday next, the 25th inst., to fill the term of the Hon. Jere Clemens, whose term of office expired on the 4th day of March last; also for the election of a Senator to fill the vacancy occasioned by the resignation of the Hon. Wm. R. King, be laid on the table.

Mr. Belser demanded the yeas and nays, which were as follows—Yeas 55, Nays 37.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Belser, Burnett, Camp, Calhoun, Clifton, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, Farrior, Fletcher, Foreman, Fox, Garth, Gibson, Gillam, Gordon, Greene, Hall, R. H. J. Holly, A. Holly, Jay, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBride, Meek, Murphy, Nelms, Newell, Newman, Payne, Phillips, Pickett, Portis, Robinson, Rutherford, Sandford, Scott, St. John, Talbert, Todd, Vest, Weaver, Webb, Yeldell and Yelverton—55.

Those who voted in the negative are:

Messrs. Allen, Bell, Benners, Bishop, Brown, W. P. Davis, Ervin of Wilcox, Foscue, Gilbreath, Gordy, Hanserd, Hays, Henry, Hill, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Shelby, Martin, McCall of Choctaw, Musgrove, Odom, Owen, Reynolds, Rhodes, Shelly, Skelton, Sterritt, Thornton, Walker of Mobile, Ward, Wilkins, Whitsitt and Wills—37.

The Senate has passed the following bill to extend the fall term of the Circuit Court of Montgomery county; the bill was read.

Mr. Belser moved to suspend the constitutional rule; carried. The bill was read the second and third times forthwith and passed.

#### REPORT OF COMMITTEES.

By Mr. Cochran, from the Committee on the Judiciary, to whom was referred the bill to authorize circuit judges and chancellors to practice as attorneys in certain cases, reported that it was inexpedient to pass said bill.

The report and bill were laid on the table on motion of Mr. Martin.

Mr. Cochran from the same committee, to whom was referred a bill to repeal in part section 1065 of the code, have instructed me to report the following amendments:

That section 1065 of the code be so amended as to extend the time required by said section to be made by justices of the peace, to fifteen days instead of three, and recommended its passage.

The bill, with the amendment, was read the second time, and ordered to be engrossed for a third reading.

Mr. Cochran, from the same committee, to whom was referred a bill to repeal certain sections of the code therein named, reported the same back and recommended its passage.

The bill was read the second time and ordered to be engrossed for a third reading.

Mr. Humphreys, from the same committee, reported a substitute for the bill to be entitled an act to repeal a certain part of the Code of Alabama.

The substitute was read, rule suspended, read a second time and ordered to be engrossed for a third reading.

Mr. Percy Walker, from the same committee, to whom was referred a bill to exempt certain property from sale by executors and administrators, reported the same back without amendment, and recommended its passage.

Mr. Murphy moved to amend the bill by adding thirty pounds of wool after the word "sheep."

Mr. Fletcher moved to amend by adding after the words ox cart, "or wagon;" which amendments were adopted.

The bill read second time as amended and ordered to be engrossed for a third reading.

Mr. Pickett, from the same committee, to whom was referred a bill to authorize executors, administrators and guardians to sell or compromise the bad and doubtful debts belonging to the estates of which they are the representatives, reported a substitute for the bill; the substitute was read and ordered to be engrossed for a third reading.

Mr. Percy Walker, from the same committee, to whom was referred the bill making copies of deeds evidence in certain cases, reported the same back without amendment and recommended its passage.

The bill was read a second time and ordered to a third reading.

Mr. W. P. Davis, from the same committee, to whom was referred a bill to amend the Code, reported that, as a bill similar in its character has already received the sanction of this committee, they deem it unnecessary to legislate on this subject.

The report was concurred in.

The following resolutions were offered :

By Mr. Belser :

*Resolved*, That so much of the Governor's message as relates to the boundary line between Georgia and Alabama, be referred to the Committee on the Judiciary, and that said committee report to this House as soon as practicable whether or not any suitable provision can be made for the institution of a suit under the Constitution of the United States, which shall directly put in issue the question of boundary between the said States.

Mr. Brown :

*Resolved*, That great difference of opinion exists in the legal profession throughout the State, as to the construction and bearing of the statute of limitations as found in section 2502 of the new Code of Alabama; that the Judiciary Committee of the House of Representatives of said State take said section under advisement and report at their earliest convenience a declaratory bill to this House.

Mr. Yelverton :

*Resolved*, That a committee of three be appointed to act with a like committee to wait on the Hon. John A. Winston, and inform him of his election as Governor of the State of Alabama.

Mr. Hays :

*Resolved*, That a select committee of seven members be appointed to prepare a joint memorial to Congress on the subject of the reduction of the price of the pine lands in the State of Alabama; which resolutions were adopted.

Mr. Creagh :

*Resolved*, That the House of Representatives shall hereafter meet at 9 o'clock, a. m., and adjourn at 2 o'clock, p. m.; which was laid over one day under the rule.

#### ORDERS OF THE DAY.

An engrossed bill to increase the pay of jurors and witnesses in Lowndes county.

Mr. Webb moved to amend the bill by an engrossed rider as follows: by inserting Lowndes county in the blank, which was adopted.

The bill was then read a third time as amended and passed.

A bill to divorce a certain person therein named; was read the second time and referred to the Committee on Divorce and Alimony;

Also, a bill to amend the law in relation to the settlement of guardians with their wards;

Also, a bill to amend a section of the code therein named;

Also, a bill to abolish the separate Chancery Court system in the State of Alabama;

Also, a bill to fix the number and regulate the pay and qualifications of jurors for the county of Coffee;

Also, a bill to exempt certain property from execution;

Also, a bill to regulate the sale of real estate and personal property by executors and administrators;

Also, a bill to amend the law now in force exempting certain property from levy and sale by legal process;

Also, a bill to repeal section 2257 of the Code of Alabama;

Also, a bill to prevent the levy of garnishments in certain cases;

Also, a bill to authorise sheriffs to qualify claimants in certain cases;

Also, a bill to amend section 185 of the Code of Alabama, and for other purposes;

Also, a bill to amend the law in relation to estrays;

Also, a bill to authorise probate judges to direct the sale of slaves by guardians in certain cases;

Also, a bill for the benefit of tales jurors;

Also, a bill to amend an act supplementary to the code; approved February 9, 1852;

Also, a bill to prescribe the time at which the laws hereafter enacted shall take effect;

Also, a bill to amend sections 2505 and 2508 of the Code of Alabama.

These bills were severally read the second time and referred to the Committee on the Judiciary.

Also, a bill to divide the county of Pickens into Commissioners' Districts.

Mr. Henry moved to suspend the constitutional rule; carried.

The bill was read the second and third times forthwith and passed.

Also, a bill to authorise A. M. Jones, of Louisiana, to remove the property of his ward, Claiborn Potts, a lunatic, to Louisiana.

Mr. Whitsitt moved to suspend the rule.

The bill was read the second and third times forthwith and passed.

Also, a bill to authorise certain banks in this State to issue bills under the amount of five dollars;

Also, a bill to authorise bank agencies in the county of Coffee.

These bills were severally read a second time and referred to the Committee on Banks and Banking.

Also, a bill to incorporate the Pickensville Academy; which was read the second time and referred to the Committee on Education;

Also, a bill to change the time of holding the circuit court of of Barbour county;

Also, a bill to exempt certain persons from working the roads in Choctaw county.

These two bills were severally read a second time and ordered to be engrossed for a third reading.

Mr. Judge moved to suspend the orders of the day, which was



carried; and moved that the bill passed by the House to amend the charter of the city of Montgomery be forthwith carried to the Senate; which was accordingly done.

A bill to remove obstructions in Pea river;

Also, a bill to remove obstructions in the Choctawhatchee river; which were read a second time and referred to the Committee on Internal Improvements.

Message from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has passed the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House of Representatives, on Tuesday the 22d inst., at the hour of 11 a. m., for the purpose of electing a Judge of the Supreme Court of the State of Alabama, to fill the vacancy to be occasioned by the expiration of the official term of the Hon. W. P. Chilton. The yeas and nays being demanded on the adoption of the resolution, resulted as follows—Yeas 31, Nays 51.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Brown, Burnett, Carroll, Cochran, W. P. Davis, Fletcher, Foscue, Fox, Garth, Gilbreath, Hall, Henry, Irwin of Walker, Lawrence of Fayette, Lindsey, Meek, Musgrove, Newell, Newman, Reynolds, Rhodes, Scott, Skelton, Sterritt, Talbert, Vest, Whitsitt, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Bishop, Camp, Calhoun, Clifton, Cole, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Foreman, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McBride, McCall of Choctaw, Nelms, Odom, Owen, Payne, Phillips, Pickett, Portis, Robinson, Rutherford, Sanford, Shelly, Thoanton, Todd, Walker of Mobile, Ward, Watkins, Weaver, Webb, Wilkins and Yeldell—51.

The motion to lay on the table was lost. The resolution was then adopted.

A bill for the relief of R. T. Atkinson, and others, was read a second time.

Mr. Yelverton moved its reference to the delegation from Pike and Coffee counties; carried.

A bill to provide for the assessment of taxes in the county of Green, and for other purposes.

Mr. Cole moved to amend by adding the county of Perry; carried.

The bill was then read as amended, and on motion of Mr. Hall was referred to the Committee on Ways and Means.

A bill to require tax collectors to collect only one-half of the taxes under the first assessment under the new code;

A bill to amend the law in relation to the appointment of tax assessor in the counties of Henry and Choctaw;

A bill to define the duties of tax collector in Lowndes county in certain cases;

A bill to consolidate the offices of tax assessor and collector;

A bill to make the tax assessor, county treasurer, and county surveyor of Cherokee county elective by the people;

A bill for the relief of William B. Ray, tax collector for Montgomery county; which bills were severally read and referred to the Committee on Ways and Means.

A bill to amend sections 517 and 527, providing for survey and sale of sixteenth sections;

A bill to repeal in part section 830 of the code;

A bill to authorize the school commissioners of township 14, range 27, in Russell county, to retain notes given for 16th section, until due and collected; which bills were severally read and referred to the Committee on the Sixteenth Section Fund.

A bill to alter and amend an act entitled an act to incorporate the Mobile Live Stock and General Insurance company, approved the 20th December, 1851.

A bill providing for the appointment of a general guardian for the county of Sumter.

A bill to authorize the Governor to issue a patent to a certain person therein named;

A bill for the relief of Lorenzo Dow Dean, of Butler county, Alabama.

A bill to require the circuit clerk and sheriff to receive county claims in the payment of fines and forfeitures in the county of Jefferson;

These bills were severally read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to increase the salaries of circuit court judges and chancellors in this State;

A bill to restrict the sessions of the Legislature;

A bill to reduce the fee of probate judges in cases of runaway slaves, &c.; said bills were severally read the second time, and referred to the Committee on Retrenchment.

A bill for the relief of Susan Goodwin, of Pickens county. Mr. Johnson moved a suspension of the constitutional rule; carried. The bill was then read the third time and passed.

Mr. Lindsey, from the Committee on Enrolled Bills, introduced a bill to allow the circuit court of Tallapoosa two weeks, and to change the time of holding the circuit court in Talladega county, which was referred to the delegations from Talladega and Tallapoosa counties.

A bill to incorporate the Bellville Academy;

A bill to incorporate the Baptist Male High School; which bills were severally read and referred to the Committee on Education.

A bill to change the time of holding the circuit courts in the fourth judicial circuit in the State of Alabama; which was read a

second time, and on motion of Mr. Lindsey, was referred to the delegation from the fourth judicial circuit.

A bill for the relief of Barton S. Clapp, sheriff of Marshall county;

A bill to exempt St. Clair, Blount, and Hancock counties from performing patrol duty, except under certain circumstances. Mr. Hanserd moved to amend by inserting Limestone; which bills were severally read a second time, and on motion of Mr. Davis, of Benton, referred to the Committee on Propositions and Grievances.

A bill to amend the road law in Pickens.

Mr. Hall moved to amend by adding Autauga county; accepted, and on motion the bill was referred to the Committee on Roads, Bridges and Ferries.

A bill to repeal a part of section 2461 of the code;

Mr. Brown moved to lay said bill on the table, and the motion prevailed.

A bill to exempt certain property therein named from sale for the payment of decedents' debts; on motion was laid on the table.

Mr. Yelverton offered the following resolution, which was adopted:

*Resolved*, That a committee of one from each judicial circuit be appointed by the Speaker to inquire into the expediency of so arranging the various judicial circuits as to equalize the labors of the presiding judges of the same, and that said committee have leave to report by bill or otherwise.

Mr. Shelly offered the following resolution, which, under the rule, was ordered to lie over one day:

*Resolved*, That a committee of three be appointed to revise the rules of the House, and report the same as early as practicable, and said committee shall be a standing Committee on Rules; to whom all amendments and changes proposed in the rules shall be referred.

On motion, the House then adjourned until Monday morning, 10 o'clock.

MONDAY, November 21, 1853.

At the hour of 10 o'clock, A. M., the House was called to order by Mr. Scott, who stated that Mr. Speaker was called home by domestic affliction, and on motion of Mr. Scott, L. P. Walker was unanimously chosen Speaker pro tem.

Mr. Speaker, (Walker,) laid before the house the following communication, which was laid on the table:

TO THE HOUSE OF REPRESENTATIVES.

MONTGOMERY, Saturday night, Nov. 19, 1853.

I have been called, by the promptings of natural affection and a sense of duty, to attend the last earthly moments of my aged and beloved father, and am sure the house will not only excuse but justify the absence, which I respectfully ask for a few days. I

desire that a presiding officer, pro tem., may be appointed by the House.

With great respect

W. GARRETT.

Bills were introduced by

Mr. Wilkins, entitled an act for the relief of William Wetherford and others; also

A bill entitled an act to repeal the patrol law of Baldwin.

Mr. Skelton, a bill entitled an act to repeal attorneys' fees in the Code of Alabama, under section 3018; also;

A bill entitled an act to repeal coroner's fees in the new code, under section 3994.

Mr. Aldredge, a bill entitled an act to amend section 3500 of the code.

Mr. Sanford, a bill entitled an act to lay off Cherokee county into four commissioners' districts, and other purposes therein mentioned.

Mr. A. Holly, a bill entitled an act to clear out and remove obstructions in the Conecuh and Sepulga rivers; also

A bill entitled an act to reduce the solicitor's fees, under the new code, in section 6249 and in section 3254.

Mr. Phillips, a bill entitled an act to fix the time for the election of school trustees in each county of this State.

Mr. Carroll, a bill entitled an act to repeal section 3249 of the code, and for other purposes.

Mr. Inge, a bill entitled an act to amend the law upon the subject of elections.

Mr. Greene, a bill entitled an act to authorize the summoning of jurors in the county of Jackson; also

A bill entitled an act to authorize the judges of the fifth judicial circuit to hold special terms, &c.

Mr. Camp, a bill entitled an act to authorize the county treasurer of the county of Jefferson to pay over certain funds, and for other purposes therein named.

Mr. Pickett, a bill entitled an act to change the time of holding the regular sessions of the General Assembly of the State of Alabama.

Mr. Webb, a bill entitled an act authorizing the probate judge of Lowndes county to order a special election for the commissioners of roads and revenues of Lowndes county.

Mr. Rutherford, a bill entitled an act to exempt practising physicians from road duty.

Mr. Creagh, a bill entitled an act to change the time of holding general elections, and of the meeting of the General Assembly.

Mr. Musgrove, a bill entitled an act for the purpose of establishing an election precinct in the county of Marion, and other purposes.

Mr. Bell, a bill entitled an act to authorize the citizens of Mobile to sell their property at public sale, and other purposes; also

A bill entitled an act to repeal in part the act entitled an act,

approved 9th February, 1852, to amend an act approved 12th February, 1850, to authorise and regulate the business of banking.

Mr. Percy Walker, a bill entitled an act to establish a fourth chancery division; also

A bill entitled an act to repeal, alter, and amend certain sections of the code relative to attachments; also

A bill entitled an act to authorise the judges of the supreme court to require the printing of the records of causes before the court.

Mr. Belser, a bill entitled an act to alter and modify certain acts of the code therein mentioned.

Mr. Henry, a bill entitled an act to increase the pay of commissioners of revenues and roads.

Mr. Johnson, a bill entitled an act requiring the apportioners of the different road districts of Pickens county to appoint overseers, and for other purposes.

Mr. McBryde, a bill entitled an act to alter the commencement of the fall term of the circuit court in the 8th circuit, for the purpose allowing an additional week to the county of Pike.

Mr. Bishop, a bill entitled an act to repeal a part of section 2768 of the code.

Mr. Ervin of Wilcox, a bill entitled an act to appoint additional surveyors in certain cases; said bills were severally read and ordered to a second reading on to-morrow.

Mr. Speaker: The Senate has passed a bill to repeal section 3439th of the code of laws adopted at the last session of the Legislature, upon the subject of qualification of jurors, as relates to their ability to read and write; also

A bill from the House of Representatives to amend the act incorporating the Mechanics' Savings Company of Mobile, approved 7th February, 1852; and

A bill to repeal an act entitled an act to amend the city charter of Montgomery, Alabama, approved January 7th, 1852.

A bill to change the time of holding city elections, and for other purposes.

The Senate concurs in the amendment made by the House to the bill to exempt certain property from execution, and the amendments made to the bill to repeal and amend the 1749 and 1764th sections of the code on the sale of slaves.

Mr. Cochran presented the petition of Avery Nolan, and others of Barbour, which, on motion of Mr. Cochran, was referred to the Committee on Privileges and Elections.

Mr. Belser, presented the memorial of David Powell, asking remuneration of the State, which, on motion of Mr. Belser, was referred, with the accompanying documents, to Committee on Accounts and Claims.

Mr. Henry presented the petition of A. M. Hanks and forty-four other voters of Pickens county, for a prohibitory and anti-liquor law; also



The petition of Sarah F. Archibald, and forty-eight other ladies, for an anti-liquor law; also

The petition of James M. Staff, and ninety others, for an anti-liquor law;

On motion of Mr. Henry, the said petitions were referred to the Temperance Committee.

#### REPORTS:

Mr. Cochran, from the Judiciary Committee, to whom was referred the bill for the relief of Jared Rhodes, reported adversely thereto.

Mr. Burnett moved to lay said report on the table, which motion was lost.

Mr. Burnett then moved to recommit the bill to the same committee. Carried.

Mr. Cochran, from the same committee, to whom was referred the bill to repeal 2464th section of the code, reported the same back, and recommended its passage; said bill was read the third time.

Mr. Benners moved to amend said bill as follows:

That so much of section 2464 of the new code as prevents owners of a homestead exempt by law from execution from renting out the same, be and the same is hereby repealed; and that so much of said section as prevents the owners of said property, so exempted by law from execution, from exchanging the same for other property enumerated among the exempt articles, be and the same is hereby repealed.

Mr. Watkins moved to re-commit said bill and amendment to same committee, with instructions to report a bill prescribing the manner in which the property exempt from sale under executions and other process shall be held by families, and under what circumstances such property may be sold or exchanged.

Mr. Greene moved to lay the amendment of Messrs. Brown and Watkins on the table, which was lost.

The question then recurred on the motion of Mr. Watkins to re-commit the bill and amendment, which prevailed.

Mr. Benners, from the Judiciary Committee, to which was referred the bill to amend the law in relation to grand and petit jurors, reported adversely thereto. Said report was concurred in.

Mr. Jay moved to suspend the orders of the day, that he might introduce the following resolutions: Said motion prevailed.

1. *Resolved*, That the House, the Senate concurring, in view of the proclamation of his excellency, the governor, and of the information of the object to which it relates, observe Thursday, the 25th inst., as a day for thanksgiving and prayer.

2. *Resolved*, That to enable us more respectfully and religiously to carry out the object designated, no session in this House will be held on that day.

3. *Resolved*, That a committee of three be appointed on the part of this House, to act with a like committee on the part of the Senate, to invite some divine to deliver a discourse, appropriate to the occasion, in the hall of the House of Representatives, on said 25th inst., at 11 o'clock, A. M.

Mr. Hubbard moved to amend, by striking out the first and third resolutions, which was carried. Said resolution as amended was then adopted.

Mr. Percy Walker, from the Committee on the Judiciary, to whom was referred the bill to define the rights of accused persons, reported a substitute therefor.

Mr. Humphreys moved to postpone the further consideration of the bill and amendment until the 28th inst., and that it be made the special order for 11 A. M. of said day; pending which—

#### ORDERS OF THE DAY.

The hour of 12 having arrived, the House proceeded to the consideration of the orders of the day.

#### ENGROSSED BILLS.

To repeal a certain section of the code therein named (2461);

To repeal a certain portion of the Code of Alabama;

To exempt certain property from sale by executors and administrators;

To authorise executors, administrators and guardians to sell or compromise the bad or doubtful debts belonging to the estates of which they are the representatives;

Making copies of deeds evidence in certain cases;

To change the time of holding the circuit court of Barbour county;

To repeal an act exempting certain persons from working on public roads in the county of Choctaw;

To repeal a part of section 1065 of the code;

To alter and amend an act to incorporate the Mobile Live Stock and General Insurance Company, approved December 20, 1851;

To authorise the governor to issue patent to a certain person therein named (George Myres).

Providing for the appointment of a general guardian for the county of Sumter;

For the relief of Lorenzo Dow Dean, of Butler county;

To require the sheriffs and clerks of the circuit courts in the counties of Fayette and Jefferson to receive county claims in payment of fines and forfeitures; were severally read the third time and passed.

The bill to repeal an act therein named (to increase the supreme court bench);

To regulate the patrol law in Conecuh county;

Fixing the time for the election of county commissioners in each county in this state;

To amend the exemption law;

Giving the courts of probate jurisdiction to compel the administrator or executor of a deceased executor, administrator or guardian to settle the estate of his testator or intestate, as the case may be;

Amendatory of the laws on the subject of liens on steam boats and other water craft;

To repeal section 1186 of the Code of Alabama;

To allow pay to jurors in certain cases;

To amend the law in relation to the settlement of guardians with their wards; were severally read the second time and referred to the Committee on the Judiciary.

The bill to provide for the payment over to the overseer of roads moneys from fines on defaulters, &c.;

To amend the law in relation to working public roads; were severally read the second time and referred to the Committee on Roads, Bridges and Ferries.

The bill to authorise the comptroller to issue his warrant on the treasurer in favor of Leroy Napier, for excess of taxes, was read the second time and referred to the Committee on Propositions and Grievances.

The bill to authorise the construction of a plank or shell road along the Bay of Mobile was read the second time and referred to the Committee on Corporations.

The bill for the relief of John Silsby was read the second time and referred to the Committee on Ways and Means.

The bill to reduce the amount of toll received by owners and keepers of public mills propelled by water was read the second time and referred to the Committee on Retrenchment.

The bills to amend the road law, so far as relates to Choctaw county;

To repeal an act approved February 1, 1850;

Providing for the compensation of jurors in justices' courts in the county of Pickens, in certain cases;

To amend the patrol law in Pickens county;

To regulate the pay of grand and petit jurors in Covington county; were severally read the second time and ordered to be engrossed for a third reading.

The amendment to the rules of the house offered by Mr. Creagh on Saturday, proposing that the house hereafter meet at 9 A. M., and adjourn at 2 P. M., was taken up.

Mr. Hubbard moved to lay the rule on the table.

Mr. Creagh demanded the yeas and nays, and the motion was lost. Yeas 42, nays 49.

Those who voted in the affirmative are:

Messrs: Agee, Alldredge, Benners, Cowan, J. W. Davis, W. P. Davis, Fox, Gibson, Gilbreath, Goodin, Greene, Hall, Hanserd, Henry, Hill, Horn, Hubbard, Humphreys, Irwin of Walker, Laughinghouse, Lindsey, McBryde, Meek, Murphy, Musgrove,

Newell, Newman, Odom, Owen, Pickett, Portis, Reynolds, Rhodes, Robinson, Scott, Shelly, St. John, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Whitsitt and Wills—42.

Those who voted in the negative are:

Messrs. Abercrombie, Bell, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cook, Creagh, Curry, Ervin of Wilcox, Farrior, Fletcher, Foreman, Foscue, Garth, Gillam, Gordy, Hays, R. H. J. Holly, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Nelms, Payne, Phillips, Rutherford, Sanford, Skelton, Sterritt, Talbert, Thornton, Ward, Webb, Wilkins, Yeldell and Yelverton—49.

Mr. Foscue moved to amend said proposed rule by striking out the word "two," and inserting the word "one."

On motion of Mr. Creagh, the resolution and amendments were referred to the Committee on Rules.

Mr. Cochran offered the following amendment to the rules of the house:

That hereafter, all bills, upon their second reading, shall be referred to their appropriate committees; unless otherwise ordered by the house. Said proposed rule lies over one day.

The bill to appropriate a certain sum of money therein named (\$60,000) was read the second time.

Mr. Alldredge moved to amend this bill by making the further appropriation of \$4,610  $\frac{31}{100}$ , to cover the deficiency in the appropriation of the last session of the general assembly, to pay the members and officers of said session.

Said motion prevailed, and then the house adjourned until tomorrow morning, at 10 o'clock.

TUESDAY, November 22, 1853.

Mr. Speaker laid before the house the report of the quartermaster general, which, on motion of Mr. Gilbreath, was referred to the Committee on the Military.

Mr. Speaker laid before the house sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Mr. Speaker laid before the house sundry petitions on temperance, which, on motion of Mr. Creagh, were referred to the Committee on Temperance.

Mr. Speaker announced the following committee, under the resolution of Mr. Yelverton, to consider the propriety of re-arranging the circuits, so as to equalize the labors of the judges:

Messrs. Yelverton, Foscue, Cook, Sterritt, Garth, Shelly, Agee, Davis of Benton, and Reynolds;

Also, the following committee under the resolution apportioning the congressional districts:

Messrs. Scott, Hubbard, Davis of Bibb, Comer, Beners, Jay and Willis.

Mr. Cochran presented the petition of the Eufaula Huzzars. Said petition was referred to the Committee on the Military.

Mr. Cochran introduced a bill to incorporate the Eufaula Plank Road Company;

Also, moved to suspend the constitutional rule, which was carried; the bill was then read a second time forthwith, and on motion of Mr. Cochran was referred to a committee composed of the delegation from Barbour.

Mr. Skelton introduced a bill to attach David Sealors, of Benton county, to precinct No. 1, which was read and ordered to a second reading on to-morrow.

Mr. Yelverton presented the petition of James Claxton and others, which was referred to a select committee of the delegation from Pike and Coffee.

Mr. Hatcher presented the petition of Jesse Cumberlander and others, of Dallas county, which, on motion of Mr. Hatcher, was referred to the Committee on Propositions and Grievancies.

Bills were introduced by

Mr. Newman, to define the payment of costs in certain cases;

Also, to regulate the cost of constables;

Mr. Benners, to amend section 2455 of the code, and to prevent the sale of equitable interests in the shares of distributees before settlement under executors;

Mr. Rutherford, to increase the compensation of grand and petit jurors in the county of Macon;

Mr. Camp, to establish an additional beat in the county of Jefferson;

Mr. Abercrombie, authorising the sale of personal property for the purpose of making distribution;

Mr. Payne, to authorise Lewis Alexander, judge of probate of the county of Macon, to act as guardian for certain minors therein named;

Mr. Gilbreath, to amend the law of and regulate the proceedings in admiralty in Alabama;

Mr. Percy Walker, declaratory of the power of juries in admiral cases;

Mr. Henry, in relation to the prosecution of assault and battery;

Mr. Fox, to amend an act approved the first day of March, 1848, entitled an act to incorporate Oak Hill Academy, in the county of Wilcox.

Said bills were severally read and ordered to a third reading on to-morrow.

Mr. Newman presented the petition of James Green Allen, La Matthew Imale and 80 others of DeKalb county, on the subject of temperance.

Mr. Inge presented the petition of Mr. Hendon and 165 others, for an anti-liquor law.



Mr. Benners presented the petition of Wm. M. U. Brittan and 101 others.

Said petitions were severally referred to the Committee on Temperance.

Mr. Camp presented the petition of W. T. Jacques and others of Jefferson, which, on motion, was referred to Committee on the Military.

Mr. Foscue presented the petition of J. Blakely and 37 others, of Marengo county.

#### REPORTS.

Mr. Cochran, from the Judiciary Committee, to whom was referred the bill to prescribe the time at which laws hereafter enacted shall take effect, reported the same back, and recommended its passage.

Said bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran, from the same committee, to whom was referred section 399 of the Code, reported the same back to the House, and recommended its reference to the Committee on Ways and Means. Said report was concurred in, and the bill was accordingly referred.

Mr. Cochran, from the same committee, to whom was referred the bill in relation to estrays, reported adversely thereto. Said report was concurred in.

Mr. Cochran, from the same committee, to whom was referred the bill to authorize sheriffs to qualify claimants, reported back the same, amended by way of substitute. The report was concurred in, and the substitute adopted. Said bill, as amended, was read and ordered to be engrossed for a third reading on to-morrow.

Mr. Humphreys, from the same committee, to whom was referred the bill to fix the number, regulate the pay and qualifications of jurors for the county of Coffee, reported a substitute therefor, and recommended its passage. The substitute was adopted, and the said bill as amended, was read a second time and ordered to a third reading on to-morrow.

Mr. Humphreys, from the same committee, to whom was referred the bill to authorize probate judges to direct the sale of slaves by guardians in certain cases; and also the petition of Lawson Garner of the county of Morgan, asking to be empowered to sell slaves belonging to his wards for the purpose of a distribution, reported that they had amended the bill by way of substitute, incorporating the subject of the petition therein, and recommended the adoption and passage of the same. Said substitute was adopted—said bill as amended was then read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Percy Walker, from the same committee, to whom was re-

ferred a bill to regulate the sale of slaves, reported the same back amended by way of substitute, and recommended its adoption and passage. Said substitute was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Percy Walker, from the same committee, to whom was referred the bill to compel slaveholders to keep a white person residing with their slaves, reported the same back amended by way of substitute.

Said substitute was adopted.

Mr. Inge moved to amend by adding after the word "mile," the words "and half."

Said motion to amend was lost.

Mr. Alldredge moved to amend by excluding from its operations the county of Blount.

Mr. Whitsitt moved to postpone the consideration of said bill and amendment till the 1st Monday in January.

Said motion was lost.

Mr. Camp then moved to amend the amendment of Mr. Alldredge by adding the county of Jefferson;

Mr. Burnett, by adding the county of Butler;

Mr. Musgrove, by adding the county of Marion;

Mr. Clifton, by adding the county of Cherokee.

Mr. Creagh moved to lay said amendments on the table; which was carried.

Mr. Benners moved to strike out one and insert the word "two" before miles, and add the letter S at the end of the word mile.

Mr. Davis of Benton called for the previous question, and the question shall the main question be now put; which was carried.

Pending which the hour of eleven having arrived, the Senate appeared within the hall of the house and the two houses in convention proceeded to the election of a Judge of the Supreme Court.

Mr. Wm. P. Chilton being alone in nomination, Mr. Yelverton voted for Jefferson Buford. The remainder of the senators and representatives voted for Mr. Chilton; and he having received a majority of the whole number of votes given, was declared by Mr. Speaker duly and constitutionally elected judge of the Supreme Court for the term prescribed by law.

The Senate then withdrew to their chamber.

The question then recurred on the bill reported by the Committee on Judiciary by way of substitute.

Said bill was ordered to be engrossed for a third reading on to-morrow.

A message from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has originated and passed a bill to divide Choctaw and Jefferson into road districts; and a bill from the House permanently to locate the seat of justice in DeKalb county.

The Senate bill was read and ordered to a second reading on to-morrow.

The following message was received from His Excellency the Governor by Mr. Harrison; which is as follows:

EXECUTIVE CHAMBER,  
Montgomery, November 22, 1853. }

Sir: I have the honor herewith to submit the report of the Commissioners appointed by me to examine the affairs of the Southern Bank of Alabama.

With great respect, your obedient servant,

H. W. COLLIER.

Hon. WM. GARRETT, Speaker of the House of Rep.

Mr. Martin moved to lay said report on the table;

Also, that 2000 copies be printed; which was lost.

Mr. Foscue, to print 500 copies; lost.

Mr. Aldredge to print 250 copies.

Said motion prevailed.

Mr. Meek, from the Committee on Education, to whom was referred a bill to incorporate the Bellville Academy, reported adverse thereto.

Said report was concurred in.

Mr. Pickett, from the Judiciary Committee, to whom was referred a bill to repeal section 2257; reported adversely thereto.

Said report was concurred in.

Mr. Belser, from the same committee, to whom was referred a bill to provide for the payment of jurors and witnesses before coroners' inquest, reported the same back without amendment.

Said report was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Belser, from the same committee, to whom was referred a bill for the benefit of tales jurors, reported a substitute therefor.

Said substitute was adopted and ordered to be engrossed for a third reading.

Mr. Curry, from the Committee on Internal Improvements, to whom was referred a bill to repeal a part of an act entitled an act to dispose of the unappropriated portions of the two per cent. fund, reported the same back without amendment.

Said report was concurred in and the bill ordered to be engrossed.

Mr. Scott, from the Committee on Ways and Means, to whom was referred the bill for the relief of Wm. B. Ray, reported the same back without amendment.

Report was concurred in.

Mr. Scott, from the same committee, to whom was referred the bill to make the tax assessor, county treasurer and county surveyor of the county of Cherokee elective by the people, reported back a substitute for the same.

Said substitute was adopted and ordered to be engrossed for a third reading on to-morrow.

Mr. Scott, from the same committee, to whom was referred a bill

to define the duties of tax collector in Lowndes county in certain cases, reported back said bill to the house without amendment.

Said report was adopted and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Scott, from the same committee, to whom was referred a bill to provide for the extension of the time for the assessment of taxes in the county of Greene, reported the same back without amendment.

Said report was concurred in, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Scott, from the same committee, to whom was referred a bill to consolidate the offices of tax assessor and collector, reported adversely thereto.

Said report was concurred in.

Mr. Yelverton, from the Committee on Divorce and Alimony, to whom was referred the record of the case of Lloyd Whatley and Elizabeth Whatley, reported back a bill to divorce the said parties.

Said report was concurred in and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran then offered the following resolution :

*Resolved*, That the Committee on Education be instructed to inquire into the means of commencing and perfecting a system of public schools in this State, and report by bill or otherwise.

Said resolution was adopted.

Mr. Percy Walker offered the following resolution, which was adopted :

*Resolved*, That a select committee of four members of this House be appointed to take into consideration the present chancery system of the State, and report a bill effecting such change and modifications therein as said committee may deem expedient.

Mr. R. S. Watkins offered the following resolution, which was lost :

*Resolved*, That whenever any bill or bills are referred to the Committee on the Judiciary, said committee shall be authorized to report general bills in the following cases :

1st. Whenever such bill proposes such an amendment to the existing laws as will in its opinion require further changes on the same subject ;

2d. Whenever two or more bills embracing distinct propositions upon the same subject can, in its opinion, be with more propriety included in one bill ;

3d. Whenever any bill of a local character should, in its opinion, be enacted by a general law.

Mr. Todd offered the following resolutions, which were adopted :

*Resolved*, 1st. That the committee on Ways and Means, be instructed to inquire into the expediency of modifying the rate of tax contemplated by the 32d subdivision of section 391 of the code.

2d. That they be further instructed to inquire into the expediency of modifying the rate of tax contemplated by section 394 of the code; and that they report by bill or otherwise.

Mr. Yelverton, from the select committee on the part of the House, to act with a like committee on the part of the Senate, to wait on the Hon. John A. Winston, Governor elect, and to inform him of his election, and ascertain when it would suit his convenience to take the oath of office, reported that they had performed that duty, and that Tuesday, 20th December, at 12 o'clock, M., is the time set apart for taking the oath of office.

Mr. Cook from the Select Committee composed of the delegation from Lowndes and Talladega, to which was referred the bill for the relief of certain persons therein named, with an amendment thereto, reported back the bill for the relief of Thomas Renfro and Robert McQueen; said report was concurred in.

Mr. Shelly moved to amend said bill by inserting after the word "comptroller" the words "and to file a duplicate of said bond in the office of the probate judge of said county." Said amendment was adopted, and the bill as amended was ordered to be engrossed for a third reading on to-morrow.

#### ORDERS OF THE DAY.

The engrossed bills—

- To appropriate a certain sum of money therein named;
- To regulate the pay of grand and petit jurors in the county of Covington, and for other purposes;
- To amend the patrol law in Pickens county;
- To provide for the compensation of jurors in justices' courts in the county of Pike, in certain cases therein mentioned;
- To increase the pay of jurors in the county of Perry;
- To repeal an act approved the 2d of February, 1850;
- To amend the road law, so far as relates to the county of Choc-taw—were severally read the third time and passed.

The bill, authorising the probate court of Montgomery county to grant letters of administration on the estate of Wesley D. Hall, late of the county of Coosa, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill for the relief of William Wetherford, and others, was read a second time and referred to the Committee on Propositions and Grievances.

Mr. Cochran then moved to suspend the orders of the day in order to take up the resolution offered by him on yesterday, proposing to amend the rules of the house, which was carried and the rule adopted.

Mr. Cochran moved to reconsider the vote just taken, which was carried.

Mr. Shelly moved to take up the resolution offered by him on yesterday proposing to raise a standing committee on the rules of the house; which was carried, and said resolution was adopted;



and the rule proposed by Mr. Cochran was referred to said committee.

Mr. Shelly moved to take up his motion to reconsider the vote taken on the adoption of the resolution offered by Mr. Martin, proposing to refer all acts of a general nature, passed at the last and present session of the general assembly to the Judiciary Committee, to codify the same and to make the phraseology conform to the new code.

Mr. Shelly moved to make said motion to reconsider the special order for to-morrow at 11 o'clock; carried.

Mr. Hall offered the following resolution, which was adopted:

*Resolved*, That the Committee on Rules be authorized to act with a committee on the part of the Senate to propose rules on the government of the two houses when assembled in convention.

The bill to repeal the patrol laws of Baldwin county;

The bill to repeal coroner's fees in the new code, under section 3994;

The bill to amend section 3500 of the code;

The bill to be entitled an act to repeal attorneys' fees in the code under section 3048;

The bill to lay off Cherokee county into four commissioners' districts, and for other purposes therein mentioned;

The bill to reduce the solicitor's fees in the new code, in section 3249 and 3254;

The bill to repeal section 3949 of the code, and for other purposes;

The bill authorising the summoning jurors in the county of Jackson;

These bills were severally read a second time, and referred to the Committee on the Judiciary.

The bill to clear out and remove obstructions in the Conecuh and Sepulga rivers, was read a second time and referred to the Committee on Internal Improvements.

The bill to fix the time of election of school trustees in each county of the State; read and referred to the Committee on Education.

The bill to amend the law upon the subject of elections, was read a second time, and referred to the Committee on Privileges and Elections.

The bill authorising the judge of the fifth judicial circuit to hold special terms, &c., &c.; read the second time and referred to a committee of one from each judicial circuit.

The bill to change the time of holding the regular sessions of the general assembly of the State of Alabama, was read the second time.

Mr. Foscue moved to amend by striking out the "second Monday in December," and inserting "fourth Monday in November."

Mr. Johnson moved to amend the amendment by striking out

the fourth Monday in November, and inserting the first Monday in December, which was carried.

Mr. Foscue's amendment, as amended, was then adopted.

Mr. Curry moved to amend by adding the following: "and that no session shall continue longer than fifty days."

Mr. Lindsey moved to lay said amendment on the table; the yeas and nays were demanded, pending which the house then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY MORNING, November 23, 1853.

The House met pursuant to adjournment.

Mr. Hubbard moved to suspend the call of the counties, that he might offer a resolution; said motion prevailed.

Mr. Hubbard then offered the following preamble and resolution:

Whereas, from the long continuance of unhealthy weather there is reason to fear a return of yellow fever to the place; and whereas, it would be even improper to keep a minority of members under the excitement caused by such apprehension; Therefore,

*Resolved*, With the consent of the Senate, that the present session of the General Assembly be adjourned until the second Monday in January next.

Mr. Curry then moved the following as a substitute for said resolution:

*Resolved*, That a committee of nine be appointed to consult with the board of health and practising physicians of the city of Montgomery, and such non-resident physicians of this State as may be in the city, and ascertain whether any causes for alarm exist in relation to the health of said city; and that said committee report to this house on Tuesday morning, at 11 o'clock, A. M.

*Resolved further*, That the committee publish the result of their investigations in the papers of to-morrow morning.

Mr. Hubbard called for the previous question.

Mr. Curry moved to lay the call for the previous question and the resolution on the table, which was carried; yeas 49, nays 47.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Bishop, Burnett, Calhoun, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Foreman, Fox, Gibson, Greene, Hall, Hill, Horn, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, Meek, Owen, Payne, Phillips, Robinson, Rutherford, Sanford, Shelly, Skelton, Talbert, Todd, Walker of Mobile, Ward, Weaver, Whitsitt, Wills, and Yelverton—49.

Those who voted in the negative are:

Messrs. Alldredge, Allen, Brown, Camp, Carroll, Clifton, Cole, Fletcher, Foscue, Garth, Gilbreath, Gillam, Goodin, Gordy, Hanserd, Hays, Henry, R. H. J. Holly, A. Holly, Hubbard, Inge, Irwin

of Walker, Jay, Johnson Laughinghouse, Lawrence of Shelby, Martin, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Pickett, Portis, Reynolds, Rhodes, St. John, Sterritt, Vest, Walker of Lauderdale, Watkins, Webb, Wilkins, and Yeldell.

The hour of 11 o'clock having arrived, the special order for that hour came up.

Mr. Belser moved to suspend special order, which was carried.

The house then resumed the consideration of the resolution offered by Mr. Curry.

Mr. Foscue moved to amend said resolution as follows:

*Resolved*, That the house meet at 4 o'clock, P. M., and that said committee report at that hour; said amendment was accepted.

Mr. Greene moved to lay the whole subject on the table, which was lost.

Mr. J. W. Davis moved to reconsider the vote to lay the resolution which was offered by Mr. Hubbard on the table, which motion was lost.

Mr. Brown moved to amend the resolution by requiring the said committee to report the aggregated number of deaths which have occurred since the morning of the 18th inst., specifying also the greatest number which may have taken place during the period on any one day, as well as the disease of which the party died. Said amendment was accepted,

The resolution offered by Mr. Curry, as amended, was then adopted.

Mr. Speaker announced the following committee under said resolution: Messrs. Fox, Curry, Creagh, Calhoun, Lawrence, Yelverton, Ervin and Henry.

The House then adjourned until 4 o'clock this evening.

#### AFTERNOON SESSION, Nov. 23, 1853.

The House met, pursuant to adjournment.

Mr. Speaker laid before the house a record of divorce, which was referred to the Committee on Divorce and Alimony.

Mr. Speaker announced the following committee under the resolution adopted by the house for the purpose of considering the present chancery system of the State, and of reporting a bill effecting such changes as said committee may deem expedient, to wit: Messrs. Walker of Mobile, Martin, Judge, and Humphreys.

Mr. Meek asked leave to introduce a bill to be entitled an act to regulate the system of public schools in the county of Mobile. Leave was granted and said bill was read.

Mr. Meek moved to suspend the constitutional rule; which motion prevailed, and said bill was read a second time forthwith, and referred to a committee composed of the delegation from Mobile.

Mr. Fox, from the Select Committee appointed under the resolution of Mr. Curry of this morning, to inquire into the health of of the city of Montgomery at this time, made the following report:

The Select Committee, appointed by a resolution of the house to ascertain whether an epidemic, or any disease of a malignant character exists in the city of Montgomery, have, as far as the brief time at their disposal allowed, considered the same, and instructed me to report that they called before them Messrs. Rogers, Taylor and Tilley, the proprietors of the Montgomery Hall, Madison House, and the Exchange, to obtain their statement as to the existence of any disease in their respective houses, and that they all stated that there were no cases of sickness of a malignant type in their houses; that there had been no deaths for a long time; that at the Exchange and Madison House there was no sickness at all, and that at the Hall there was a case of pneumonia of a mild form, and that the physicians in this case had consented to the patient's leaving his room this morning.

The sexton having charge of the city burial ground, also stated to the committee that there were six interments for the week ending Saturday last, and there were two to-day, and that there were five since last Wednesday, including the two to be buried to-day; and that none of these, so far as he was informed, died with the yellow fever.

The committee further state, that they called before them as many of the practising physicians of the city as they could find, and their statement, herewith appended, was, at their request, taken as on oath:

We, the undersigned physicians of Montgomery, have known of no cases of yellow fever for the last two weeks, and most of us a longer period; and we further state, that judging from the past history of the disease, there can be no reasonable grounds to fear its recurrence; moreover, that the city is now as healthy, indeed more healthy than it usually is at this season, and that there is no epidemic or any disease of a dangerous character prevailing,

W. M. BOLLING,  
WM. A. BALDWIN,  
JAMES HINKLE,  
G. F. POLLARD,  
A. A. WILSON,  
THOMAS D. GRIGGS,  
EDWARD FOWLER,  
E. C. JONES,  
A. BURROWS,  
J. F. JOHNSON,  
N. BOZEMAN.

As further bearing on the point, and embraced within the scope of the inquiry entrusted to the committee, the statement of Dr. Jordan, an eminent physician of Madison county, and of Dr. M. G. Moore, both lessees of the penitentiary, is herewith submitted:

We, the undersigned, non-resident physicians of the city of Montgomery, being present at the investigation of the committee

as to the health of Montgomery at this time, are fully satisfied that there is no yellow fever, or any epidemic of a serious character prevailing at this time, and we have no fears of yellow fever recurring again this season as an epidemic.

FLEMMING JORDAN,  
M. G. MOORE.

Having concluded their investigation, prosecuted as diligently and thoroughly as time and opportunity allowed, ask leave to be discharged.

Mr. Hall moved to lay said report on the table, which was carried.

The House then adjourned until Friday morning at 10 o'clock.

FRIDAY, November 25, 1853.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Mr. Speaker laid before the House the following communication from F. S. Lyon, Commissioner to settle the affairs of the State Bank and Branches:

OFFICE OF THE COMMISSIONER TO SETTLE THE  
AFFAIRS OF THE STATE BANK AND BRANCHES,

Montgomery, November 25, 1853. }

Sir: I have to request that you will lay before the House of Representatives the enclosed report of my transactions as Commissioner and Trustee to settle the affairs of the State Bank and Branches.

I am respectfully your obedient servant,

F. S. LYON.

Hon. WILLIAM GARRETT,

Speaker of the House of Representatives.

On motion of Mr. Humphreys, said report was referred to the Committee on State Bank and Branches, and 3000 copies ordered to be printed.

Mr. Alldredge moved to suspend the call of the counties, to offer a resolution; which was carried.

Mr. Alldredge then offered the following resolution:

*Resolved*, That, the Senate concurring, the two houses meet in the Representative Hall this day at half past 11 o'clock, a. m., for the purpose of electing a United States Senator to fill the unexpired term of the Hon. W. R. King, resigned; and a Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Jere Clemens.

The yeas and nays were demanded, and the resolution was adopted—Yeas 53, Nays 35.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Brown, Burnett,



Camp, Carroll, Clifton, Cochran, Comer, Cowen, Cook, J. W. Davis, Erwin of Wilcox, Farrior, Fletcher, Foreman, Fox, Gilbreath, Gordy, Greene, Hall, Hanserd, Hubbard, Humphreys, Irvin of Walker, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Martin, McCall of Barbour, Murphy, Musgrove, Newman, Owen, Portis, Reynolds, Rhodes, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Weaver, Whitsitt and Yelverton—53.

Those who voted in the negative are :

Messrs. Belser, Bishop, Calhoun, W. P. Davis, Foscue, Garth, Gibson, Gillam, Goodin, Hatcher, Henry, Hill, A. Holly, Horn, Inge, Jay, Johnson, Judge, Lawrence of Cherokee, Nelms, Newell, Odom, Payne, Phillips, Pickett, Robinson, Shelly, Todd, Ward, Watkins, Wilkins and Wills—35.

The following message was received from the Senate:

Mr. Speaker : The Senate has originated and passed the following bills :

A bill to erect a bridge across the Tallapoosa river in Tallapoosa county ;

A bill to repeal section 2461 and to amend 2464 and 2466 of the Code of Alabama.

The Senate has passed the following House bills :

A bill to divide the county of Pickens into Commissioners' Districts ;

A bill for the relief of Susan Goodwin of Pickens county ;

A bill to amend the charter of the city of Mobile ;

A bill to appropriate a certain sum of money therein named.

Mr. Pope Walker moved to further suspend the calling of the counties to offer a resolution ; which was carried.

Mr. L. P. Walker offered the following resolution, which on motion of Mr. L. P. Walker, was laid on the table :

*Resolved*, That the Committee on Internal Improvements be instructed to inquire into the expediency of affording State aid to a rail road connecting the navigable waters of the Mobile bay and the Tennessee river, and report should it be deemed expedient some plan by bill or otherwise, having this object in view ; but in no event is said committee to designate the termini of said road.

Mr. Hall presented the petition of James Nunn and eighty-five others of Autauga county, for an anti-liquor law ; which was referred to the Committee on Temperance.

Mr. W. P. Davis presented the petition of E. D. Lewis and sixty-eight others of Benton county, for an anti-liquor law ;

Also, the petition of Lucinda Hudson and one hundred other ladies of Benton county, for an anti-liquor law.

Mr. J. W. Davis presented the petition of Susan R. Wood and sixty other ladies of Bibb county, for an anti-liquor law ;

Also, the petition of J. W. Jones and thirty-five others of Bibb county, for an anti-liquor law.

Said petitions were severally read and referred to the Committee on Temperance.

Mr. Burnett introduced a bill to be entitled an act to amend section 2824 of the Code of Alabama.

Mr. Yelverton introduced a bill to be entitled an act to authorise the clerk or sheriff of Coffee county to take bonds, &c.

Mr. Weaver introduced a bill to change the time of holding the courts of the first judicial circuit, and for other purposes therein named.

Mr. Ward introduced a bill for the benefit of tax assessor of Dale county.

Mr. Phillips introduced a bill to be entitled an act explanatory of a certain act therein named.

Mr. Lindsey introduced a bill to be entitled an act to exempt the property in the capital stock of certain corporations from taxation.

Mr. Watkins introduced a bill to be entitled an act to regulate proceedings in courts of probate in procuring orders to sell the lands of deceased persons for the payment of debts.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Lawrence of Cherokee offered a joint resolution proposing amendments to the Constitution of the State of Alabama.

Mr. Newman, also, offered joint resolutions to amend the Constitution of the State of Alabama.

Said resolutions were severally read, ordered to a second reading on to-morrow.

Mr. Jay presented the petition of Mrs. Lattie and thirty-three other ladies of Conecuh county, for an anti-liquor law;

Also, the petition of Joel Hardy and thirty-one others of Conecuh county, for an anti-liquor law.

Mr. Reynolds presented the petition of Elias Moreland and others of Fayette county, for an anti-liquor law.

Mr. Lindsey presented the petition of M. C. Southall and forty other ladies of Franklin county, for an anti-liquor law;

Also, the petition of Sarah Tremble and twenty-two other ladies of Franklin county for an anti-liquor law;

Also, the petition of Mrs. J. E. Harris and thirty-eight other ladies of Franklin county, for an anti-liquor law;

Also, the petition of Virginia C. Stevens and other ladies of Franklin county, for an anti-liquor law;

Also, the petition of A. E. Baker and other ladies of Franklin county, for an anti-liquor law.

Mr. Carroll presented the petition of Thomas S. Pope and others of Franklin county, for an anti-liquor law;

Also, the petition of W. D. Harper and others of Franklin county, for an anti-liquor law;

Also, the petition of P. B. Cockburn and others of Franklin county, for an anti-liquor law;

Also, the petition of John W. White and others of Franklin county, for an anti-liquor law.

Mr. Watkins presented the petition of Enoch Reed, deceased, and forty-two others of Franklin county, for an anti-liquor law;

Also, the petition of P. C. Bobo and ninety-eight other voters, and of Mrs. Bobo and ninety-eight other ladies of Franklin county, for an anti-liquor law.

Mr. Rhodes presented the petition of J. C. Whittaker and twenty-one others of Lauderdale county, for an anti-liquor law.

Mr. Watkins also presented the petition of James H. Trimble and others of Franklin county, for an anti-liquor law.

Said petitions were severally read and referred to the Committee on Temperance.

Mr. Benners introduced a bill to make protests of notaries and other authorised persons evidence in certain cases, which was read, and the constitutional rule being suspended, said bill was read a second time and referred to the Committee on the Judiciary;

Also, a bill to provide for the payment of certain fees to notaries public for notice of protest, which was read, and the constitutional rule being suspended, said bill was read a second time and referred to the Committee on the Judiciary;

Also, a bill to amend the law in relation to the issuance of branch summons, which was read and ordered to a second reading.

Mr. Judge introduced a bill to repeal so much of section 1801 of the Code of Alabama as requires annual settlements to be made by executors and administrators.

Said bill was read, and the constitutional rule being suspended, said bill was read the second time forthwith, and referred to the Committee on the Judiciary.

Mr. Vest introduced a bill to be entitled an act to consolidate the offices of judge of probate and clerk of the circuit court of Hancock county.

Mr. Cowan introduced a bill defining the liability of sheriffs, &c.

Mr. Pickett introduced a bill to be entitled an act to authorise M. J. Lightfoot, of Lawrence county, executrix of John F. Lightfoot, deceased, to invest the funds of said estate, &c.

Mr. Hanserd introduced a bill to be entitled an act to authorise the commissioners of sixteenth section in township two, of range six, in the county of Limestone, to retain the proceeds of the sale of said section, and to appropriate the interest on the same as now required by law.

Mr. Payne introduced a bill to be entitled an act to authorise Lewis Gholson, administrator in right of his wife, to remove certain property to the county of Autauga;

Also, a bill to be entitled an act for the relief of the estate of W. W. McLester, deceased.

Mr. Agee introduced a bill to be entitled an act to authorise justices of the peace to act as coroners in certain cases.

Mr. Belser introduced a bill to be entitled an act to increase the salaries of state treasurer and attorney general.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Camp introduced a bill to be entitled an act to incorporate the Central Bank of Alabama; which was read, and the constitutional rule being suspended, said bill was read a second time forthwith, and referred to the Committee on Banks and Banking.

Mr. Laughinghouse presented the petition of Charles E. Collier and fifty-seven others of Madison county;

Also, the petition of Mrs. Boon and fifty others for an anti-liquor law.

Said petitions were severally read and referred to the Committee on Temperance.

Mr. Foscue presented the petition of W. R. Paulding, of Marengo county; which was referred to the Committee on Propositions and Grievances.

Mr. Gilbreath introduced a bill to amend sections 2570 and 2572 of the Code of Alabama; which was read and ordered to a second reading on to-morrow.

Mr. Owen introduced a bill to be entitled an act to authorise and empower the administrator of James W. C. Askew, late of Mobile county, deceased, to sell the property of said deceased.

Said bill was read, and the constitutional rule being suspended, was read a second time forthwith and referred to the Committee on the Judiciary.

Mr. Meek introduced a bill to be entitled an act to incorporate the Alabama River Pilots' Association; which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the Committee on Corporations.

Mr. Judge introduced a bill to be entitled an act to amend the law imposing a tax for the sale of slaves.

Said bill was read, and the constitutional rule being suspended, was read a second time forthwith and referred to the Committee on the Judiciary.

The hour of eleven o'clock having arrived, the house proceeded to the consideration of the special order for that hour, it being the motion of Mr. Shelly, to reconsider the vote taken on the adoption of the resolution offered by Mr. Martin.

Mr. Henry moved to suspend the special order.

Said motion was lost.

Mr. Scott moved to suspend the special order, in order to take from the table the resolution passed by the senate bringing on the election of United States Senators on Friday, the 25th inst.

Mr. Greene moved the previous question on the motion of Mr. Scott.

Mr. Creagh moved to lay said call for the previous question on the table.

Mr. Percy Walker made the following point of order:

That the house having passed a resolution that (the senate concurring) the two houses should assemble in convention in the hall of the House of Representatives, at half-past eleven o'clock this day, and said resolution having been sent to the senate, this house had disposed of the question, and had no power to act on the subject matter until the senate should inform the house of its action upon the resolution. That the motion of Mr. Scott to take from the table the senate resolution was therefore out of order.

Mr. Speaker overruled said point of order, and decided that the hour proposed by the house resolution for the election having expired, the motion of Mr. Scott to take up the senate resolution was therefore in order.

Mr. Martin appealed from said decision, and the yeas and nays were demanded; and the question, "shall the decision of the chair stand as the decision of the house?" was decided in the negative. Yeas 42, nays 51.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Allen, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Cowan, Curry, Ervin of Wilcox, Farnior, Fletcher, Fox, Gordy Greene, Hall, Hanserd, Irwin of Walker, Lawrence of Fayette, Lindsey, Martin, McBryde, Meek, Murphy, Musgrove, Newell, Newman, Owen, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills and Yelverton—42.

Those who voted in the negative are:

Messrs. Abercrombie, Bell, Belser, Benners, Calhoun, Cole, Comer, Cook, Creagh, J. W. Davis, Foreman, Foscue, Garth, Gibson, Gilbreath, Gillam, Goodin, Hatcher, Hays, Henry, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Nelms, Odom, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, Sanford, Shelly, Todd, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Webb and Wilkins—51.

The house then resumed the consideration of the special orders of the day.

Mr. Gilbreath, at half after 1 o'clock, moved to adjourn until to-morrow morning at 10 o'clock. The yeas and nays were demanded; yeas 32, nays 55.

Those who voted in the affirmative are:

Messrs. Abercrombie, Agee, Bell, Belser, Benners, Camp, Cochran, Cook, W. P. Davis, Garth, Gibson, Gilbreath, Goodin, Hatcher, Henry, Hill, R. H. J. Holly, A. Holly, Humphreys, Lawrence



of Cherokee, Lawrence of Shelby, McBride, Odom, Owen, Payne, Pickett, Phillips, Portis, Robinson, Sterritt, Todd, Walker of Mobile, and Watkins—32.

Those who voted in the negative are:

Messrs. Speaker, Alldredge, Allen, Bishop, Brown, Calhoun, Carroll, Clifton, Cowan, Creagh, Curry, J. W. Davis, Farrior, Foscue, Fox, Gillam, Gordy, Greene, Hall, Hanserd, Hays, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Fayette, Lindsey, Martin, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms Newell, Newman, Reynolds, Rhodes, Sanford, Shelly, Skelton, St. John, Talbert, Thornton, Vest, Ward, Weaver, Webb, Whitsitt, Wilkins, Wills and Yeldell—55.

After some time spent in discussion, at 11 minutes to 2, P. M., it was moved to adjourn until to-morrow morning at 10 o'clock. Yeas and nays were demanded, and said motion was lost.—Yeas 43, nays 51.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bishop, Burnett, Camp, Calhoun, Carroll, Clifton, Comer, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Gibson, Gordy, Greene, Hall, Hanserd, Horne, Hubbard, Irwin of Walker, Jay, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, Murphy, Musgrove, Nelms, Newell, Reynolds, Rhodes, Newman, Sanford, Shelly, Skelton, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills and Yelverton—43.

Those who voted in the negative are:

Messrs. Abercrombie, Belser, Benners, Brown, Cochran, Cook, Creagh, Fletcher, Foreman, Garth, Gilbreath, Gillam, Goodin, Hatcher, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Humphreys, Inge, Johnson, Judge, Laughinghouse, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Payne, Phillips, Pickett, Portis, Robinson, Sterritt, Todd, Walker of Lauderdale, Ward, Webb, Watkins and Wilkins—51.

After some time spent in discussion, Mr. Payne at 10 minutes after 2 o'clock moved to adjourn until to-morrow morning at 10 o'clock. Yeas and nays were demanded—yeas 42, nays 44.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bishop, Camp, Clifton, Cochran, Comer, Cowan, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Foreman, Foscue, Fox, Gordy, Greene, Hall, Hanserd, A. Holly, Irvin of Walker, Lawrence of Fayette, Lindsey, Meek, Musgrove, Newell, Newman, Reynolds, Rhodes, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Weaver, Whitsitt and Wills—42.

Those who voted in the negative are:

Messrs. Abercrombie, Belser, Calhoun, Cook, Creagh, W. P. Davis, Fletcher, Gibson, Gillam, Goodin, Hatcher, Hays, Henry, Hill, R. H. J. Holly, Hubbard, Horne, Humphries, Inge, Jay, Johnson,

Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Murphy, Nelms, Odom, Payne, Phillips, Pickett, Robinson, Shelly, Todd, Walker of Lauderdale, Ward and Webb—44.

After some time spent in discussion, Mr. Inge at 15 minutes after 2 moved to adjourn until to-morrow morning at 10 o'clock. The yeas and nays being demanded—yeas 43, nays 44.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Bishop, Burnett, Camp, Carroll, Clifton, Comer, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Gordy, Greene, Hall, Hanserd, A. Holly, Irvin of Walker, Lawrence of Fayette, Lindsay, McBryde, Meek, Murphy, Newell, Newman, Portis, Sanford, Scott, Shelly, Skelton, Sterritt, Talbert, Thornton, Vest, Weaver, Whitsett, Wills and Yelverton—43.

Those who voted in the negative are:

Messrs. Abercrombie, Belser, Benners, Brown, Calhoun, Cochran, Cook, Fletcher, Foreman, Garth, Gibson, Gillam, Goodin, Hatcher, Hays, Henry, R. H. J. Holly, Horn, Hubbard, Humphreys, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Odom, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, St. John, Todd, Walker of Lauderdale, Ward, Watkins and Webb—44.

At half after 2 o'clock Mr. Martin moved to adjourn until to-morrow morning 10 o'clock. The yeas and nays were demanded, and said motion was lost—yeas 37, nays 47.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Bell, Bishop, Burnett, Carroll, Clifton, Cochran, Comer, Cowan, Curry, J. W. Davis, W. P. Davis, Farrior, Foscue, Gibson, Gillam, Gordy, Greene, Hatcher, A. Holly, Hubbard, Humphreys, Jay, Judge, Lawrence of Fayette, Lindsey, McBryde, Meek, Murphy, Newman, Payne, Portis, Reynolds, Sanford, Scott, Shelly, Sterritt, Talbert, Thornton, Todd, Vest, Weaver, Webb, Whitsitt, Wills and Yelverton—37.

Those who voted in the negative are:

Messrs. Agee, Belser, Brown, Camp, Calhoun, Cook, Fletcher, Fox, Garth, Goodin, Hall, Hanserd, Henry, Hill, R. H. J. Holly, Horn, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Phillips, Pickett, Rhodes, Robinson, Skelton, St. John, Walker of Lauderdale, Ward, Watkins and Wilkins—49.

After some time spent in discussion, Mr. Hubbard moved to adjourn until to-morrow morning 10 o'clock. The yeas and nays were demanded; said motion was lost—yeas 28, nays 46.

Those who voted in the affirmative are:

Messrs. Abercrombie, Bell, Bishop, Clifton, Curry, Foreman, Gibson, Gillam, Gilbreath, Hatcher, Hays, Hill, A. Holly, Irwin of Walker, Judge, Laughinghouse, McBryde, Meek, Odom, Payne, Sanford, Shelly, Sterritt, Vest, Whitsitt and Yelverton—28.

Those who voted in the negative are:

Messrs. Spcaker, Alldredge, Belser, Brown, Camp, Calhoun, Cochran, Comer, Cowan, Cook, J. W. Davis, Farrior, Fletcher, Foscue, Fox, Goodin, Gordy, Greene, Hall, Hanserd, Henry, R. H. J. Holly, Horn, Hubbard, Jay, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, Martin, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newman, Portis, Reynolds, Rhodes, Robinson, Skelton, St. John, Watkns, Webb and Wills—46.

After some time spent in discussion the House adjourned until to-morrow morning at 10 o'clock.

SATURDAY, November 26, 1853.

The House met pursuant to adjournment.

Mr. Percy Walker notified the house that he would, at a future time, move to reconsider the vote taken on yesterday, by which the report of F. S. Lyon, as commissioner and trustee to settle the affairs of the State bank and branches, was referred to the Committee on State Bank and Branches.

Mr. Speaker laid before the house the following communication from his Excellency the Governor:

EXECUTIVE CHAMBER,  
Montgomery, Nov. 25, 1853. }

SIR: I have the honor to transmit resolutions of the Agricultural Association of the slave-holding States, which was organized by a convention of delegates assembled in this city in May last, and to which I referred in my message on the 15th inst. Also, resolutions of the General Assembly of the State of Connecticut, and a report and resolutions of the General Assembly of Louisiana.

With great respect,

Your obedient servant,

H. W. COLLIER.

Hon. WM. GARRETT,

Speaker of the House of Representatives.

Said resolutions were referred to the Committee on Agriculture.

Mr. Speaker announced the following Select Committee on Temperance, under the resolution of Mr. Henry: Messrs. Henry, Creagh, Benners, Sanford, Owen, Yelverton, Lindsey, Bishop and Agee.

Mr. Cole presented the petition of Nancy Nichols, and other ladies of Perry county, for an anti-liquor law;

Also, the petition of R. A. Woolley, and others of Perry county, for an anti-liquor law;

Also, the petition of W. H. Carroll, and others of Perry county, for an anti-liquor law; said petitions were referred to the Committee on Temperance.

Mr. Talbert presented the petition of Tilburn L. Fox, and others, which was referred to the Committee on the Sixteenth Section Fund.

Also, the petition of Sarah Winfield and twenty-six other ladies of Perry county;

Mr. Johnson presented the petition of Jane Summerfield, and forty-eight other ladies of Pickens county, for an anti-liquor law;

Also, the resolution of the Carrollton Total Abstinence Society;

Also, the petition of the ministers of the gospel in Pickens county;

Also, the petition of James Knox, and seventy-two others of of Pickens county;

Also, the petition of Wm. B. Feyerden, and others of Pickens county, for an anti-liquor law;

Also, the petition of Charlotte Garvan, and others of Pickens county, for an anti-liquor law;

Also, the petition of G. W. Mitchell, and eighteen others of Pickens county, for an anti-liquor law;

Also, the petition of James Chalmers, and thirty other voters of Pickens county, for an anti-liquor law;

Also, the petition of Rebecca Williams, and other ladies of Pickens county, for an anti-liquor law;

Also, the petition of Hiram Glass, and forty-six others of Pickens county, for an anti-liquor law;

Mr. Henry presented the petition of Mr. F. Cook, and twenty-four others of Pickens county, for an anti-liquor law;

Also, the petition of J. C. Garaner, and thirty-seven others of Pickens county, for an anti-liquor law;

Also the petition of Elizabeth Locke, and twenty-five other ladies of Pickens county, for an anti-liquor law;

Also, the petition of James D. Lowe, and thirty-eight others of Pickens county, for an anti-liquor law;

Mr. Sterritt presented the petition of Edmond King, and two hundred and fourteen others of Shelly county, for a prohibitory anti-liquor law;

Also, the petition of Margaret C. Allen, and thirty-seven other ladies of Shelby county, for an anti-liquor law;

Mr. Martin presented the petition of G. W. W. Cooper, and others of Tuscaloosa, for an anti-liquor law;

Also, the petition of eleven ladies for an anti-liquor law;

Also, the petition of forty others from Tuscaloosa county for an anti-liquor law;

Said petitions were severally read and referred to the Committee on Temperance.

Mr. Johnson offered joint resolutions in relation to the public

lands. Moved to lay said resolution on the table, which motion prevailed; also

A bill for the relief of burial expenses in Pickens county; which was read and ordered to a second reading on to-morrow.

Mr. Henry introduced a bill to be entitled an act to amend an act to incorporate the Alabama and Noxubee, (Miss.,) rail road company; which was read. Mr. Henry moved to suspend the constitutional rule for the purpose of giving the said bill a second reading forthwith; said motion was lost. Said bill was ordered to a second reading on to-morrow.

Mr. Henry introduced a bill to change the manner of electing solicitors of the State.

Said bill was read and the House refused to order said bill to a second reading.

A message from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate concurs in the resolution of the House proposing to elect a United States Senator, to fill the unexpired term of the Hon. Wm. R. King, and a Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Jere Clemens; and has amended the same by striking out Friday, half past 11 o'clock, a. m., and inserting Monday, 12 o'clock, m., in which the concurrence of the House is requested.

The Senate has also adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the report of the Hon. F. S. Lyon, Commissioner and Trustee of the State Bank and Branches, be referred to a joint select committee to consist of three, on the part of each House; and Messrs. Jemison, H. C. Jones and Dickinson have been appointed said committee on the part of the Senate.

On motion, the House concurred in the amendment of the Senate to the House resolution to elect a United States Senator to fill the unexpired term of the Hon. Wm. R. King; and also a Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Jere Clemens; also, in the resolution of the Senate proposing to raise a joint select committee, to which is to be referred the report of F. S. Lyon, Commissioner and Trustee.

Mr. Speaker appointed Messrs. Bell, Curry and Wilkins said committee on the part of the House.

Mr. Percy Walker moved to reconsider the vote taken on yesterday by which the report of F. S. Lyon, as Commissioner and Trustee of the State Bank and Branches was referred to the Committee on State Bank and Branches.

Said motion was carried.

Mr. Bell then moved that said report be referred to a select joint committee, to consist of those on the part of the House, such as contemplated by the resolution from the Senate.

Said motion prevailed, and the report was so referred.

Mr. Speaker appointed Messrs. Bell, Curry and Wilkins to act as said committee on the part of the House.



The Senate bill\* to repeal section 2461 and to amend sections 2464 and 2466 of the Code of Alabama;

Also, the Senate bill to erect a bridge across the Tallapoosa river in Tallapoosa county; were severally read and ordered to a second reading on to-morrow.

Mr. Calhoun introduced a bill to establish a Medical Board in the county of Russell.

Mr. Whitsitt introduced a bill to enlarge the jurisdiction in the Probate Court.

Mr. Curry introduced a bill to amend section 634 of the Code.

Mr. Shelly, a bill for the relief of Weldon S. Wise.

Mr. Martin, a bill for the relief Dr. Samuel Smith of the city of Tuscaloosa.

Mr. Brown, a bill to amend the law of trading with slaves.

Mr. Irvin of Walker, a bill for the relief of John Burton, Sr., of Walker county.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Curry introduced a bill to be entitled an act to aid the Alabama and Tennessee River Rail Road Company; which was read; and pending which the hour arrived for taking up the special order of the day, which on motion was suspended.

The question then recurred, on ordering to a second reading on to-morrow, the bill introduced by Mr. Curry.

Mr. L. P. Walker moved to lay said bill on the table, and that 133 copies thereof be printed.

Said motion prevailed.

Mr. L. P. Walker then moved to take said bill from the table; which motion prevailed.

Mr. L. P. Walker moved to suspend the constitutional rule; which was carried and said bill was read a second time forthwith and referred to the Committee on Internal Improvements.

Mr. Humphreys moved to reconsider the vote just taken, refusing to suspend the constitutional rule, to pass to a second reading the bill introduced by Mr. Henry, entitled an act to amend an to incorporate the Alabama and Noxubee Rail Road Company.

Said motion prevailed.

Mr. Curry moved to suspend the constitutional rule in order to give said bill a second reading forthwith, and the yeas and nays were demanded.

Said motion was lost—Yeas 59, Nays 34.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Alldredge, Benners, Bishop, Brown, Burnett, Calhoun, Cochran, Cole, Comer, Cook, Creagh, Curry, W. P. Davis, Fletcher, Garth, Gilbreath, Gillam, Gordin, Gordy, Hanserd, Henry, Hill, A. Holly, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw,

Meek, Murphy, Nelms, Newman, Odom, Owen, Phillips, Portis, Rhodes, Robinson, Shelly, Skelton, Sterritt, Thornton, Walker of Lauderdale, Walker of Mobile, Ward, Webb, Whitsitt, Wilkins, Wills and Yelverton—59.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Bell, Belser, Camp, Carroll, Clifton, Cowan, J. W. Davis, Ervin of Wilcox, Farrior, Foreman, Foscue, Fox, Greene, Hays, R. H. J. Holly, Horn, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, Musgrove, Newell, Pickett, Reynolds, Sanford, Scott, St. John, Vest, Watkins and Weaver—34.

Said bill was then ordered to a second reading on to-morrow.

Mr. Judge moved to suspend the special order to proceed with the call of the counties.

Said motion prevailed.

Mr. Curry presented the account of Andrew Lawson, sheriff of Talladega county; which was referred to the Committee on Accounts.

Mr. Irwin of Wilcox presented the memorial of the Elyton Convention, on the subject of Internal Improvements.

Said memorial was read.

Mr. Judge moved that said memorial be referred to the Committee on Internal Improvements, and that 500 copies be ordered to be printed.

Mr. Foscue moved a division of the question.

The question was then first put on referring this memorial to said committee; which was carried.

Then on ordering 500 copies to be printed; which was also carried.

Mr. Pickett gave notice that, at the proper time, he would move to reconsider the vote taken on concurring in the amendment of the Senate to the resolution of the House to go into the election of United States Senator on Monday next.

The House then adjourned until Monday morning at 10 o'clock.

NOVEMBER 28, 1853.

The House met pursuant to adjournment.

Mr. Martin, who voted in the majority, moved to reconsider the vote taken on yesterday, concurring in the amendment of the Senate, to the resolution of the House proposing to go into the election of United States Senators to-day at 12 o'clock, m.

Mr. Martin then moved to lay said motion on the table.

The yeas and nays were demanded, and said motion prevailed—Yeas 64, Nays 28.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Bell, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Fletcher, Foreman,

Foscue, Fox, Gilbreath, Gordy, Greene, Hall, Hanserd, Hays, Hubbard, Humphreys, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Martin, McBryde, Meek, Murphy, Musgrove, Newell, Newman, Owen, Portis, Reynolds, Rhodes, Sanford, Scott, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Ward, Watkins, Weaver, Whitsitt, Wills and Yelverton.

Those who voted in the negative are:

Messrs. Abercrombie, Belser, Benners, Calhoun, Creagh, Garth, Gibson, Gillam, Goodin, Hatcher, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Jay, Judge, Lawrence of Cherokee, Nelms, Odom, Payne Phillips, Pickett, Robinson, Walker of Mobile, Webb and Wilkins—28.

Mr. Speaker laid before the House sundry records of divorce ; which were referred to the Committee on Divorce and Alimony.

Mr. Hall presented the petition of O. Powell ; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. McCall of Barbour presented the petition of Daniel Curry and sixty others of Barbour county, for an anti-liquor law.

Mr. McCall of Barbour presented the petition of James Lumpkin, an Indian, which was referred to the Committee on Propositions and Grievances.

Mr. J. W. Davis presented the account of W. B. & A. R. Bell, which was referred to the Committee on Accounts.

Bills were introduced by

Mr. St. John, to be entitled an act to protect travelers and way-faring men ; also,

A bill to be entitled an act in relation to the punishment of criminals ;

Mr. Alldredge, to be entitled an act to amend section 3172 of the Code ;

Mr. Hill, to aid the Southern Military Academy of Chambers county ;

Mr. Yelverton, to protect the health of the towns of Geneva and Elba, in Coffee county ;

Also, for the relief of Lucy Jane Jordan of Coffee county ;

Mr. Jay, to regulate the training, drill and services of the military of Alabama ;

Mr. Holly, to regulate the election and compensation of Commissioners' of Roads and Revenue in the county of Covington ;

Mr. Ward, to regulate the pay of jurors and witnesses in Dale county ;

Also, a bill to fix the pay of the probate judge and sheriff of Dale county ;

Mr. Phillips, to amend section 2447 of the Code of Alabama ;

Mr. Watkins, to amend section 1354 of the Code of Alabama ;

Mr. Burnett, to enable justices of the peace to act as notary publics in certain cases ;

Mr. Inge, to explain and fix the the time when the Chancery Court in the Middle Division shall be held;

Also, a bill to repeal section 1306 in the new Code, and to amend section 1307;

Mr. L. P. Walker, to remove the Colbert Shoals in the Tennessee river;

Mr. Payne, to authorize David Clopton, administrator of John Traford, deceased, to sell the real estate belonging to said deceased; which said estate was escheated;

Mr. Humphreys, to regulate the fees of judges of probate and clerks of circuit courts in certain cases;

Mr. Gilbreath, to change and regulate terms of circuit courts in the counties of Jackson and Marshall;

Mr. Percy Walker, to be entitled an act in aid of the Mobile and Ohio Rail Road Company.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Burnett presented the petition of Alexander Brown and forty-three others of Butler county, for an anti-liquor law.

Mr. Phillips presented the petition of teachers, ministers and voters of Dallas county, for an anti-liquor law;

Also, the petition of C. Bissell and others of Dallas county, for an anti-liquor law.

Mr. Carroll presented the petition of D. L. Davis and forty-three others of Allsboro, in Franklin county, for an anti-liquor law.

Mr. Lindsey presented the petition of G. D. Petty and others, for an anti-liquor law.

Mr. Camp presented the petition of John McDonald and forty-three others of Jefferson county, for an anti-liquor law.

Mr. Pickett presented the petition of citizens of Lawrence and Franklin counties, for an anti-liquor law;

Also, the petition of ladies of Lawrence and Franklin counties, for an anti-liquor law;

Also, the petition of F. H. Hepwith and others of Lawrence county, for an anti-liquor law.

Mr. Musgrove presented the petition of J. S. Lloyd and others of Marion county, for an anti-liquor law.

Said petitions were severally referred to the Committee on Temperance.

Mr. Watkins presented the petition of James Williams, of Franklin, which was referred to the Committee on Propositions and Grievances.

Mr. Rhodes presented the petition of W. Pitton and others of Lauderdale county; which was referred to the Committee on the Judiciary.

Mr. Humphreys presented the petition of Wm. M. Gooch and forty-nine others on the subject of sixteenth sections in the county

of Madison; which was referred to the Committee on Sixteenth Sections.

Mr. Foscue presented the account of John Hardy, for printing done for the State; which was referred to the Committee on Accounts.

Mr. Fletcher presented the petition of G. W. Lipton and others;

Also, the petition of A. D. Wilford and others; which were severally referred to the Committee on Roads, Bridges and Ferries.

The hour of eleven A. M. having arrived, the house resumed the consideration of the special order for that hour, it being the motion of Mr. Shelly to reconsider the vote adopting the resolution of Mr. Martin.

The question being called for on said motion, the yeas and nays were demanded, and said motion prevailed. Yeas 69, nays 20.

Those who voted in the affirmative are:

Messrs. Speaker, Alldredge, Allen, Benners, Bishop, Burnett, Camp, Calhoun, Carroll, Clifton, Cole, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Fletcher, Foreman, Fox, Gibson, Gilbreath, Gillam, Gordy, Greene, Hall, Hays, Hill, R. H. J. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, McCall of Choc-taw, Murphy, Musgrove, Newell, Newman, Odom, Owen, Pickett, Portis, Reynolds, Rhodes, Sanford, Scott, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Wilkins and Wills—69.

Those who voted in the negative are:

Messrs. Abercrombie, Agee, Belser, Brown, Ervin of Wilcox, Foscue, Garth, Hanserd, Henry, A. Holly, Horn, Judge, Martin, Nelms, Payne, Phillips, Robinson, Todd, Walker of Lauderdale—20.

Mr. Martin moved to amend said resolution, as follows: Strike out the following words, when they occur in said resolution: "to change the phraseology of the acts referred to so as to make them conform to that of the code; not, however, in any respect to change the object or intention of any of said acts, but"—

Mr. Humphreys moved to lay the resolution on the table.

Mr. Curry moved to postpone the further consideration of said resolution until the 15th day of January next; which motion prevailed.

The house then proceeded to the consideration of the next special order of the day, it being the bill to define the rights of accused persons.

Mr. Whitsitt moved to postpone the consideration of said bill until to-morrow morning, at eleven o'clock, and be made the special order for that hour.

Said motion prevailed.



The following message was received from the Senate:

Mr. Speaker: The Senate has passed bills which originated in the House, to-wit:

To authorise the governor to issue a patent to certain a person therein named;

To change the time of holding the circuit court of Barbour county.

Also, bills which originated in the Senate:

For the relief of Thos. B. Grigg, of Montgomery county;

To amend sections 1744 and 1746 of the code;

To compensate jurors in certain cases;

To amend the charter of the city of Huntsville, and for other purposes;

To authorise the court of commissioners of the county of Franklin to establish election precincts;

In which the concurrence of the House is requested.

Also, a bill to incorporate the Mobile Transportation and Insurance Company, which originated in the Senate.

The Senate bills

To authorise the court of county commissioners to establish election precincts in the county of Franklin;

To incorporate the Mobile Transportation and Insurance Company;

To amend the charter of the town of Huntsville, and for other purposes;

To compensate jailors, in certain cases;

To amend sections 1744 and 1746 of the code;

For the relief of Thomas B. Grigg, of Montgomery county; were severally read and ordered to a second reading on to-morrow.

On motion of Mr. Curry, the House then took an informal recess of half an hour.

Mr. Speaker called the House to order.

The hour of 12 M. having arrived, the Senate, by invitation, appeared within the hall of the House of Representatives, and the two houses in convention proceeded to the election of a United States Senator, to fill the vacancy occasioned by the resignation of the Hon. Wm. R. King; Messrs. Benjamin Fitzpatrick and R. D. Dunn being in nomination.

Those who voted for Mr. Fitzpatrick are:

Messrs. President, Acklen, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Malone, Patton, Peterson, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Aldredge, Allen, Bell, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Fletcher, Foreman, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Gordy,

Greene, Hall, Hanserd, Hays, ~~Hill~~, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Meek, Murphy, Musgrove, Nelms, Newman, Newell, Owen, Payne, Phillips, Portis, Reynolds, Rhodes, Robinson, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Whitsitt, Wilkins, Wills and Yelverton, of the House of Representatives—107.

Those who voted for Mr. Dunn, are :

Messrs. Ashley, Jemison, Lee, McLemore, Watts and Webb, of the Senate; and Messrs. Benners, Cole, Creagh, Hatcher, Inge, Jay, Shelly and Webb, of the House of Representatives.

Messrs. Henry and Ward voted for Mr. Clemens. Mr. Pickett voted for Mr. Lyon.

Mr. Fitzpatrick having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a Senator to the Congress of the United States, to fill the unexpired term of the Hon. Wm. R. King.

The two houses then proceeded to elect a Senator to fill the vacancy occasioned by the expiration of the term of the Hon. Jere Clemens; C. C. Clay, Jr., and R. W. Walker, being in nomination.

Those who voted for Mr. Clay, are :

Messrs. President, Acklen, Betha, Blake, Bradford, Brindley, Dickinson, Frazier, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Lamar, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Agee, Alldredge, Allen, Bell, Benners, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Fletcher, Foreman, Foscue, Fox, Garth, Gilbreath, Gordy, Greene, Hall, Hanserd, Hays, Hubbard, Humphreys, Irwin of Walker, Lawrence of Fayette, Lindsey, Martin, McBryde, McCall of Barbour, Meek, Murphy, Musgrove, Newell, Newman, Owen, Portis, Reynolds, Rhodes, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Whitsitt, Wilkins, Wills and Yelverton, of the House of Representatives—85.

Those who voted for Mr. Walker, are :

Messrs. Ashley, Baker, Clanton, Cocke, Crenshaw, Jemison, Lee, McLemore, Peterson, Searcy and Watts, of the Senate; and Messrs. Abercrombie, Belser, Calhoun, Cole, Gibson, Hill, R. H. J. Holly, Inge, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, McCall of Choctaw, Nelms, Odom, Payne, Phillips, Pickett, Robinson, Shelly, Todd, Ward, Webb and Yel-dell, of the House of Representatives—37.

Those who voted for Mr. Clemens, are:

Messrs. Kimball of the Senate; and Messrs. Gillam, Henry, A. Holly, Horn and Laughinghouse, of the House of Representatives—6.

Mr. Clay having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a Senator to the Congress of the United States, for the term prescribed by the constitution.

The Senate then withdrew to their chamber.

Mr. Curry moved to take from the table a resolution offered by Mr. L. P. Walker, requiring the Judiciary Committee to inquire into the expediency of affording state aid to a rail road connecting the navigable waters of the Mobile bay with the Tennessee river, and to report by bill or otherwise. Said motion prevailed.

Mr. Curry then moved that said resolution be made the special order for Wednesday next, at eleven o'clock, which motion prevailed.

Mr. Cochran, from the Committee on the Judiciary, to whom was referred a bill fixing the time for the election of county commissioners of each county in the state, reported adversely thereto.

Mr. Judge moved to lay said report on the table; which was carried.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran, from the same committee, to whom was referred the bill to repeal the patrol law in Baldwin county, reported favorably thereto, and recommended the passage of the bill.

Said report was concurred in and said bill ordered to be engrossed for a third reading on to-morrow.

Also, to repeal in part the patrol law in the county of Marshall, and the bill to regulate the patrol law in Conecuh, reported back a substitute therefor, and recommended its adoption.

Said substitute was adopted.

Said substitute was then amended, by extending its provisions to the counties of Benton, Coosa, Limestone, Walker, Bibb, Franklin, Fayette, Autauga, Morgan, Hancock, Randolph, Covington, Marion, St. Clair, Dale, Baldwin, Clark, Blount, Jefferson, Talladega, Coffee and Pike.

Mr. Shelly moved to lay said bill on the table; which was lost.

Mr. Hubbard moved to re-commit said bill to the Judiciary Committee, with instructions to report a bill authorising the commissioners' court of each county to detail patrol detachments, when necessary. Said motion was lost.

Mr. Shelly moved to amend as follows: Provided the provisions of this act shall apply to every county in the state in which the provisions of special laws are not now in force.

Mr. Hall moved to lay said amendment on the table; which was carried.

Mr. Sterritt then moved to amend by adding the word "householders" after the word "slaveholders," which motion prevailed.

Said bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran, from the same committee, to whom was referred a bill to amend section 3500 of the code, reported the same back without amendment.

Mr. Lindsey moved to postpone the further consideration of said bill and amendments until Friday next, at eleven o'clock, and be made the special order for that hour; which was lost.

Mr. Creagh moved to postpone until the 15th day of January next; which was lost.

Mr. Meek moved to lay bill and amendments on the table; which was lost.

Mr. Curry moved to suspend the further consideration of the bill, in order to take from the table the comptroller's report in relation to the two and three per cent. fund.

Said motion was lost.

The amendments reported by the committee were then adopted.

The House then adjourned until to-morrow morning, at ten o'clock.

TUESDAY, November 29, 1853.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the comptroller of public accounts on the two and three per cent. fund accounts, in answer to a resolution of the House passed November 18, 1853.

Mr. Curry moved to refer said report to Committee on Internal Improvement, and that 500 copies be printed for the use of the House.

Said motion prevailed.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

Bills were introduced by

Mr. Owen, to be entitled an act for the relief of certain persons therein named; also,

A bill to be entitled an act to amend and explain the charter of the Mobile and Springhill Plank and Shell Road Company; also,

A bill to be entitled an act for the relief of James Chritzbury.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Henry introduced a bill for the relief of the administrators of the estate of Wm. Gilkey, late of Pickens county, Ala.

Said bill was read, and on motion of Mr. Henry, the constitutional rule was suspended, and said bill was read a second and third times forthwith and passed.

Mr. Whitsitt introduced a bill to be entitled an act to amend the charter of the Gainesville and Mississippi Road Company.

Mr. Gillam introduced a bill to authorise the officers of the 67th and 99th regiments of Tallapoosa county, to divide said county into three regiments.

Mr. Wilkins introduced a bill to prevent the burning of the woods &c., in Baldwin county; also,

A bill to be entitled an act for the preservation of game.

Mr. Comer introduced a bill to be entitled an act to amend section 397 of the Code.

Mr. Wills, to be entitled an act to declare Henry Criswell a liner between the counties of Talladega and Benton, and for other purposes.

Mr. Skelton, to be entitled an act to alter and amend section 449 of the Code of Alabama, fixing the compensation of county commissioners.

Mr. J. W. Davis, to be entitled an act to repeal in part an act to increase the pay of jurors in certain counties therein named; approved 21st of December, 1837.

Mr. Yelverton, to be entitled an act for the relief Nancy Pace of Coffee connty.

Mr. Phillips, to be entitled an act to amend the law in relation to steam boats, and other common carriers.

Mr. Newman, to be entitled an act to authorize the loan of cadet muskets to a certain academy.

Mr. Watkins, to be entitled an act to authorize the sale of property liable to waste, belonging to the estates of deceased persons, in certain cases.

Mr. Inge, a bill requiring executors and administrators to take an oath of office before entering upon their duties;

Also, a bill for the benefit of securities and accommodation endorsers.

Mr. Vest, to be entitled an act to authorize the regimental court martial of Hancock county to lay off company beats with less than forty privates.

Mr. Camp, to consolidate suits on bills of exchange.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Cole presented the petition of J. A. Wilson and others of Perry county, for an anti-liquor law;

Also, the petition of S. Wilkinson and 127 others of Perry county, for an anti-liquor law;

Also, the petition of Jane E. R. Nelms and other ladies of Perry county, for an anti-liquor law;

Mr. Henry presented the petition of Mary J. Hodd and forty-one others of Pickens county, for an anti-liquor law;

Also, the petition of Thomas C. Lanier and others of Pickens county, for an anti-liquor law.



Mr. Horn presented the petition of Mary Lewis and sixty-one other ladies of Pike county, for an anti-liquor law.

Mr. Hall presented the petition of Thomas C. Monroe and 136 others of Autauga county, for an anti-liquor law.

Mr. Wilkins presented the petition of Gerald Byrne and others of Baldwin county, for an anti-liquor law;

Also, the petition of Lucinda Vaughn and other ladies of Baldwin county, for an anti-liquor law.

Mr. McCall of Barbour presented the petition of Sarah Dale and 157 other ladies of Barbour county, for an anti-liquor law.

Mr. Newman presented the petition of S. W. Vandyke and others of DeKalb county, for an anti-liquor law.

Mr. Scott presented the petition of T. B. Harris and Jos. Wilson and others of the county of Jackson.

Said petitions were severally referred to the Committee on Temperance.

Mr. Johnson presented the petition of Samuel Snoddy and others of Pickens county, asking that all that portion of said county south of Lipsey river be attached to Greene county.

Said petition was referred to the Committee on County Boundaries.

Mr. Foreman presented the memorial of John F. Dill.

Said memorial was referred to the Committee on Internal Improvements.

Mr. Whitsitt presented the petition of G. B. Mobley and sixty-eight others on the subject of sixteenth sections in Sumter county.

Said petition was referred to the Committee on the Sixteenth Section Fund.

Mr. Humphreys presented the account of Phillip Woodson; which was referred to the Committee on Accounts.

Mr. Burnett moved to suspend the call of the counties, in order that he might offer a resolution.

Said motion prevailed.

Mr. Burnett then offered the following resolution:

*Resolved*, That, with the concurrence of the Senate, the two houses assemble in the hall of the House on Wednesday, the 30th inst., at the hour of 11 o'clock, a. m., for the purpose of going into an election for a solicitor for the second judicial circuit of the State of Alabama; also, a solicitor for the ninth judicial circuit; and also a solicitor for the seventh judicial circuit.

Said resolution was adopted.

Mr. Creagh moved to suspend the call of the counties to offer a resolution.

Said motion prevailed.

Mr. Creagh then offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency, and to report to this House joint re-

solutions proposing amendments to the Constitution, giving the election of supreme court judges, solicitors, chancellors, secretary of state, comptroller of public accounts, state treasurer and supreme court clerk directly to the people of the several circuits, divisions and the State at large, as the case may be, and to report at as early a day as practicable.

Mr. Inge moved to lay said resolution on the table ; which was lost.

Said resolution was then adopted.

Mr. Whitsitt then offered the following preamble and resolution :

WHEREAS, the people of this State have for some time been subjected to a heavy and burthensome taxation, and have submitted to the same only that the faith of the State might be preserved ; and whereas, it appears that this subject has been fully accomplished, that the State bonds can no longer be obtained at par, and that there will be a considerable sum in the treasury after meeting current demands ; and whereas, it is exceedingly desirable that the burthens of the people be diminished as far and fast as practicable ; Therefore

*Resolved*, That the taxes now imposed may be and ought to be reduced, and that the Committee on Ways and Means be instructed to prepare and report a bill to accomplish that object.

Mr. Yelverton moved to amend said resolution by way of substitute, as follows :

*Resolved*, That the committee be instructed to inquire into the propriety of making sale of all the property, including the several banking houses belonging to the State, and applying the proceeds to the extinguishment of the State debt ; and also against levying and collecting any more State tax for that purpose, if in their opinion the proceeds would be sufficient to pay the State debt ; but if not, that they then consider further what portions of the State debt may be thus paid and what relief thereby may be afforded to the tax payers of the State, and that they report by bill or otherwise, as they may see proper.

Mr. Humphreys moved to postpone the further consideration of said resolution and substitute until next Thursday week.

Said motion prevailed.

Mr. Judge offered the following resolution, which was adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of so amending the Constitution of this State as to require annual instead of biennial sessions of the general assembly, to be holden with biennial elections with a limit as to time upon such annual sessions ; and that said committee have leave to report by joint resolutions or otherwise.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House resumed the consideration of the special orders for that hour—it being the "bill to define the rights of accused persons."

Pending the question of ordering said bill to a second reading, the House adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, November 30, 1853.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the following communication from His Excellency the Governor:

EXECUTIVE CHAMBER,  
Montgomery, November 29, 1853. }

Sir: I have the honor herewith to transmit a copy of a letter received from O. H. Prince, the President of the Board of Commissioners, appointed by an act of the last session of the Legislature, appropriating twenty thousand dollars of the three per cent. fund, "to remove obstructions in the Tombecbee river."

I do not remember to have received the report of the Engineer, which Mr. Prince states he sent me, but I saw it, as it was published in newspaper. This report, I believe, satisfactorily shows that the appropriation was judicious, and will accomplished quite as much as was anticipated.

With great respect,

Your obedient servant,

H. W. COLLIER.

Hon. WM. GARRETT,

Speaker of the House of Representatives.

Said communication, with accompanying documents, were laid on the table.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the Committee on Divorce and Alimony.

The following message was received from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate concurs in the resolution of the House proposing to elect solicitors for the 2nd, 9th and 7th judicial circuits, on this day at 11 o'clock, a. m.

Mr. Percy Walker moved to take from the orders of the day, the Senate bill to incorporate the Mobile Transportation and Insurance Company.

Said motion prevailed, and said bill was read.

Mr. Percy Walker moved that the constitutional rule be suspended in order to give said bill a second reading forthwith.

Said motion prevailed, and said bill was read a second time and referred to the Committee on the Judiciary.

The House concurred in the amendment of the Senate to regulate the pay of grand and petit jurors in the county of Covington, and for other purposes.

The House also concurred in the amendment of the Senate to the bill for the relief of Lorenzo Dow Dean, of Butler county;

Also, in the amendment of the Senate to the bill to increase the pay of jurors and witnesses in Lowndes county.

Joint resolutions from the Senate proposing amendments to the Constitution, as to the extension of counties; which were read the first time and ordered to a second reading on to-morrow.

The Senate bills,

To provide a set of weights and measures for the counties of Butler and Madison;

To provide township maps for the county of Butler;

To pay jurors in the county of Chambers;

For the relief Thomas Golden, of Madison county;

To regulate the issuance of ancillary attachments;

To legalise a marriage between David Humphreys and Martha Griffin;

To amend the estray laws;

To authorise Robert Baugh and Edmond Baugh, late of Chambers county, deceased, to sell certain slaves for a division among the heirs;

To exempt from sale, under any legal process, all necessary wearing apparel, and for other purposes.

Said bills were severally read the first time and ordered to a second reading on to-morrow.

Mr. Musgrove presented the petition of Alexander Underwood and twenty-three others; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Fletcher presented the petition of Pleasant Woodall and James B. Fletcher and others; which was referred to the Committee on the Judiciary.

Mr. Fletcher introduced a bill to incorporate the town of Wakefield, in Marshall county;

Mr. Percy Walker, to be entitled an act to incorporate the Mobile Female Select Institute, of the city and county of Mobile;

Also, a bill to be entitled an act for the relief of Mary Cunningham;

Mr. Whitsitt, a bill to prevent the evasion of the revenue laws;

Mr. Hall, a bill to divorce James Rony from Nancy Rony;

Mr. Cochran, to be entitled an act to provide for the collection of notes given for Sixteenth Sections;

Mr. Yelverton, to be entitled an act to change the rate of interest in certain cases;

Mr. A. Holly, a bill for the relief of Isaac Smith of Covington county;

Mr. L. P. Walker, to be entitled an act to exempt certain persons from the payment of taxes;

Mr. Cook, to be entitled an act to increase the power of county commissioners in certain cases;

Mr. Abercrombie, to be entitled an act to authorise the court of probate of Macon county to grant letters of administration on the estate of James B. Birch, deceased;

Mr. Laughinghouse, to be entitled an act in relation to the officers of the penitentiary.

Said bills were severally read and ordered to a second reading on to-morrow.

The House concurred in the resolution from the Senate that a committee of three be appointed on the part of the Senate to meet a like committee from the House of Representatives, to whom shall be referred so much of the Governor's message as refers to the death of the late Hon. William R. King; and Messrs. Sterritt, Scott and Judge, were appointed said committee on the part of the House.

Mr. Whitsitt presented the petition of the court of commissioners of Sumter county to alter the width of causeways, which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Hall presented the account of E. A. Long; which was referred to the Committee on Accounts.

Mr. Cochran presented the petition of Matthew Averett and others, for a ferry; which was referred to the Committees on Roads, Bridges and Ferries.

Mr. Sanford presented the account of James J. Adams, late sheriff of Cherokee county; which was referred to the Committee on Accounts and Claims.

Also the petition of 151 citizens of Cherokee and Benton counties, on the county boundary between said counties; which was referred to a select committee composed of the delegations from Cherokee and Benton counties.

Mr. McCall of Choctaw, presented the petition of Pleasant L. Gilbert and others; which was referred to the Committee on the Judiciary.

Mr. Newman presented a joint memorial to the Congress of the United States in relation of the grant of alternate sections of land for rail road purposes; which, on motion of Mr. Curry, was referred to the Committee on Internal Improvement.

Mr. Lindsey presented the account of the Tusculumbia Enquirer; which was referred to the Committee on Accounts and Claims.

Mr. Cowan presented the petition of N. Robinson of Jackson county; which was referred to the Committee on Propositions and Grievances.

Also, the petition of George Perryman, and others of Jackson county, for an anti-liquor law.

A message was received from his Excellency, the Governor, by Mr. Harrison, as follows:

Mr. Speaker: His Excellency, the Governor, has approved the following bills, which originated in the House of Representatives:

An act to repeal an act in relation to the city charter of Montgomery, and for other purposes.

An act to amend an act incorporating the Mechanics' Savings Company of Mobile.



An act for the permanent location of the county site of Washington county.

An act to appropriate a certain sum of money therein named.

The hour of 11 o'clock, A. M. having arrived, the Senate by invitation appeared within the hall of the House, and the two in convention proceeded to the election of a solicitor for the second judicial circuit—James a Stallsworth, Girart Hewett, John McCaskill and William A. Beene being in nomination.

#### FIRST BALLOT.

Those who voted for Mr. Hewett are:

Messrs. Blake, Brindley, Hewlett, Jemison, Lamar, Powell and Searcy, of the Senate; and Messrs. Cowan, W. P. Davis, Foreman, Gibson, Gilbreath, Gillam, Goodin, Greene, R. H. J. Holly, Lawrence of Shelby, McCall of Barbour, Odom, Payne, Phillips, Shelly, Skelton, St. John, and Wills—26.

Those who voted for Mr. McCaskill, are:

Messrs. Ashley, Clanton, Lee, McLemore, Peterson and Webb of the Senate; and Messrs. Abercrombie, Benners, Calhoun, Creagh, Ervin of Wilcox, Henry, Hill, Inge, Jay, Johnson, McCall of Choctaw, Pickett, Portis, Robinson, Sterritt, Todd, Ward, Webb and Wilkins of the House of Representatives—25.

Those who voted for Mr. Stallsworth, are:

Messrs. Acklen, Baker, Bethea, Crenshaw, Dickinson, Frazier, Gay, Hobdy, E. P. Jones, H. C. Jones, Kelly, Malone, Patton, Watts and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Belser, Bishop, Burnett, Camp, Carroll, Cochran, Comer, Cook, Curry, Farrior, Fletcher, Foscue, Fox, Garth, Gordy, Hall, Hanserd, A. Holly, Hubbard, Irwin of Walker, Judge, Laughinghouse, Lawrence of Fayette, Lindsey, McBryde, Meek, Musgrove, Nelms, Newell, Owen, Reynolds, Rhodes, Ruth-erford, Scott, Talbert, Thornton, Vest, Walker of Mobile, Watkins, Weaver, Whitsitt, Yeldell and Yelverton of the House of Representatives—62.

Those who voted for Mr. Beene are:

Messrs. President, Bradford, Cocke, Hendricks and Kimball, of the Senate; and Messrs. Alldredge, Brown, Clifton, Cole, J. W. Davis, Hatcher, Humphreys, Lawrence of Cherokee, Martin, Murphy, Newman, Sanford and Walker of Lauderdale, of the House of Representatives—18.

#### SECOND BALLOT.

Those who voted for Mr. Stallsworth, are

Messrs. Acklen, Ashley, Baker, Bethea, Crenshaw, Dickinson, Frazier, Gay, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, Powell and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Bishop, Burnett, Camp, Carroll, Cochran, Cook, Curry, J. W. Davis, Farrior, Fletcher, Foscue, Fox, Garth, Gordy, Hall, Hanserd, Hays, Henry, A. Holly, Hubbard, Irwin of Walker, Johnson, Judge, Laughinghouse,

Lawrence of Eayette, Lindsey, McBryde, Meek, Musgrove, Newell, Owen, Payne, Pickitt, Portis, Reynolds, Rhodes, Rutherford, Scott, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Wilkins and Yelverton, of the House of Representatives—75.

Those who voted for Mr. Hewett, are:

Messrs. Blake, Brindley, Clanton, Hewlett, Jemison, Kimball, Lamar Patton and Searcy of the Senate; and Messrs. Comer, Cowan, W. P. Davis, Foreman, Gilbreath, Gillam, Goodin, Greene, R. H. J. Holly, Irwin of Walker, Lawrence of Shelby, McCall of Barbour, Odom, Phillips, Shelly, St. John and Wills of the House of Representatives—27.

Those who voted for Mr. McCaskill, are:

Messrs. McLemore, Peterson and Webb of the Senate; and Messrs. Benners, Calhoun, Creagh, Hill, Horn, Irwin of Wilcox, Jay, Lawrence of Cherokee, McCall of Choctaw, Musgrove, Robinson, Sanford, Sterritt, Todd and Yeldell of the House of Representatives—18.

Those who voted for Mr. Beene, are:

Messrs. President, Bradford, Cocke and Hendricks, of the Senate; and Messrs. Alldredge, Brown, Clifton, Cole, Hatcher, Humphreys, Martin, Murphy, Newman and Skelton, of the House of Representatives—14.

Mr. Stallsworth, having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected solicitor of the second judicial circuit for the term prescribed by the constitution.

The Senate then withdrew,

And the House resumed the consideration of its appropriate business.

#### SPECIAL ORDERS.

On motion of Mr. Shelly, the first special order, it being to define the rights of deceased persons, was postponed for the present;

And the House proceeded to the consideration of the second special order, it being the resolution heretofore introduced by Mr. L. P. Walker, instructing the Committee on Internal Improvement, to inquire into the expediency of affording State aid to a rail road connecting the Tennessee river and the navigable waters of the Mobile bay;

Pending which, and Mr. Greene being entitled to the floor, on motion of Mr. Humphreys,

The House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 1, 1853.

The House met pursuant to adjournment.

Leave of absence was granted to Messrs. Cochran, Comer, Calhoun, Horn and Robinson.

Mr. Speaker announced the following committee, under a resolution adopted by the House to prepare a joint memorial to Congress for the reduction of the price of pine lands in the State of Alabama: Messrs. Hays, Newman, Allen, Weaver, Hill, Gordy, and Wilkins.

Mr. Speaker laid before the House a record of divorce, which was referred to the Committee on Divorce and Alimony.

Mr. Curry moved to suspend the call of the counties in order to take from the orders of the day an engrossed bill to divorce certain parties therein named; said motion prevailed. Said bill was then read a third time and passed.

Mr. Benners moved to take from the orders of the day an engrossed bill entitled an act to provide for the extension of time for the assessment of taxes in Greene and Perry, and for other purposes; said motion prevailed.

Mr. Shelly moved to amend said bill by way of engrossed rider by extending the provisions of said act to the county of Talladega. Said engrossed rider was then read a second and third times, and the said bill, as amended, was then passed.

A message from the Senate—

Mr. Speaker: The Senate has passed a bill to incorporate the North-east and South-west Rail Road Company.

Mr. L. P. Walker moved to suspend the call of the counties in order to take up the bill from the Senate just read; said motion prevailed, and the bill was read.

Mr. L. P. Walker then moved to suspend the constitutional rule; which was carried, and said bill read a second time forthwith and referred to the Committee on Internal Improvement.

Mr. Whitsitt moved to suspend the call of the counties in order to take from the orders of the day the bill to amend the charter of the Gainesville and Mississippi road company;

Also, the bill in aid of the Mobile and Ohio rail road company;

Also, the bill to amend the act to incorporate the Alabama and Noxubee, (Miss.) Rail Road Company; said motion prevailed, and said bills were severally read a second time and referred to the Committee on Internal Improvement.

Mr. Greene moved to suspend the call of the counties in order that committees might report; said motion was lost.

Mr. J. W. Davis introduced a bill to compensate tax assessors.

Mr. Camp introduced a bill to be entitled an act to repeal the prohibition to sell spirituous liquors in the town of Elyton, or within two miles, and for other purposes.

Mr. Walker introduced a bill for the relief of Alexander McCartney.

Mr. Rutherford introduced a bill to prevent witnesses being subpoenaed out of their counties except in such cases therein provided.

Mr. Laughinghouse introduced a bill to be entitled an act to amend section 2291 of the Code.

Mr. Humphreys introduced a bill to provide for the payment of jurors in certain cases.

Mr. Foreman offered joint resolutions proposing amendments to the constitution of the State of Alabama. Said bills and joint resolutions were severally read the first time and ordered to a second reading on to-morrow.

The House concurred in the amendment of the Senate to the bill to amend the charter of the city of Mobile.

Mr. Cook moved to suspend the call of counties to offer a resolution; said motion prevailed.

Mr. Cook then offered the following resolution, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of fixing some punishment for the commission of certain criminal offences by negroes, between whipping, branding and hanging.

Mr. Rutherford presented the petition of Josiah Woolly and one hundred and twenty others to change an election precinct, which was referred to the Committee on Propositions and Grievances.

Mr. Judge presented the petition of Eliza Jeffcoat and others to make Mrs. Martha Ann Greene a free dealer; which was referred to the Committee on Propositions and Grievances.

Mr. Whitsitt presented the account of Constubel Ball; which was referred to the Committee on Propositions and Grievances.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House resumed the consideration of that hour, it being the resolution offered by Mr. L. P. Walker, in relation to internal improvements.

Mr. Pickett moved to suspend the special order of the day, in order that committees might report.

Said motion prevailed.

The House then resumed the consideration of the bill with amendments reported by the committee to amend section 3500 of the code.

Mr. Percy Walker moved to re-commit said bill to the Judiciary Committee; which motion was lost.

Mr. Hubbard then moved to amend said bill by adding the words, "in writing signed by him," after the word "solicits."

Said amendment was lost.

Mr. Fletcher moved to amend said bill by adding after the word "solicits," the words "and insists."

Mr. Creagh moved to postpone the consideration of said bill and amendments until the 15th day of January next, and the yeas and nays were called for, and the motion prevailed. Yeas 52, nays 38.

Those who voted in the affirmative are:

Messrs. Abercrombie, Agee, Bell, Benners, Bishop, Brown,

Cole, Cowan, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Farrior, Fox, Gibson, Gilbreath, Gillam, Gordy, Hall, Hanserd, Hatcher, Henry, Hill, R. H. J. Holly, A. Holly, Hubbard, Inge, Jay, Johnson, Judge, Martin, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Nelms, Newman, Owen, Payne, Phillips, Robinson, Rutherford, Skelton, St. John, Sterritt, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Wilkins and Wills—52.

Those who voted in the negative are:

Messrs. Speaker, Alldredge, Camp, Carroll, Clifton, Cook, J. W. Davis, Fletcher, Foreman, Foscue, Goodin, Greene, Hays, Humphreys, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Murphy, Musgrove, Newell, Odom, Pickett, Reynolds, Rhodes, Sanford, Scott, Shelly, Talbert, Vest, Ward, Watkins, Weaver, Webb, Whitsitt, Yeldell and Yelverton—38.

A message from the Senate, by Mr. Nicholson:

The Senate has passed a bill to divorce a certain person therein named, which originated in the House.

The House concurred in the following resolution from the Senate:

*Resolved*, That with the concurrence of the House of Representatives, the joint committee of the two houses, to which was referred, by an order of each house, the report of F. S. Lyon, commissioner and trustee to settle the affairs of the State bank and branches, have power and authority to examine, audit and settle the account of said commissioner, and that they report their proceedings and the result of such settlement to each house.

Mr. Lindsey, from the Committee on Enrolled Bills, reported the following bills as being correctly enrolled:

To divide the county of Pickens into commissioners' districts;

To repeal a certain act therein named;

To repeal sections 769, 770 and 771 of the code, in their application to the county of Hancock;

To permanently locate the seat of justice of DeKalb county, and for other purposes;

Mr. Shelly presented the petition of citizens of Talladega and Benton counties, for an incorporation of the Pinckneyville Academy; which was referred to the Committee on Education.

The Senate bills

To legalize a certain marriage therein named, and for other purposes;

To give the election of county treasurer of Chambers county to the people;

To compensate constables and jurors in justices' courts;

To provide for the election of county treasurer in Henry and Dale counties;



To authorise commissioners' courts of Cherokee county to change the boundaries of election precincts in said county;

To make the county treasurer of Madison county and others elective by the people; approved January 15, 1852;

To authorise the judge of probate of the county of Macon to grant letters of administration, &c.;

To amend the law in relation to the failure of circuit judges and chancellors to hold their respective courts.

#### REPORTS OF COMMITTEES.

Mr. Foscue, from the Committee on Propositions and Grievances, to which was referred the bill to allow the commissioners of township four, range fifteen, in Covington county, reported the same back, amended by striking out the last clause.

Said report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Pickett, from the Committee on the Judiciary, to whom was referred a bill giving the courts of probate jurisdiction to compel the administrator or executor of a deceased executor or administrator or guardian to settle the accounts of his testator or intestate, as the case may be, reported the same back without amendment, and said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Percy Walker, from the same committee, to whom was referred the bill to authorise the administrator of James N. C. Askew, deceased, late of Mobile county, to sell the property of said deceased, reported the same back without amendment, and recommended its passage.

Said bill was ordered to be engrossed for a third reading.

Mr. Pickett, from the same committee, to whom was referred the bill to regulate the sale of real and personal property by executors and administrators, reported back a substitute therefor.

Said substitute was adopted, and bill ordered to be engrossed for a third reading on to-morrow.

Mr. Laughinghouse, from the Committee on Retrenchment, to whom was referred a bill to restrict the duration of the session of the legislature, reported back a substitute therefor.

The House refused to adopt said substitute, and also to order said bill to be engrossed for a third reading. So the bill was lost.

Mr. Hall, from the Committee on Banks and Banking, to whom was referred the bill to authorise the Bank of Mobile and the Southern and Northern Banks to issue bills of a less denomination than five dollars, reported back the same with an amendment.

Said amendment was adopted.

Mr. Burnett moved to amend said bill as follows: "Provided that no bill shall be issued of a less denomination than one dollar."

Said amendment was adopted.

The question then recurred on ordering said bill to a third reading.

The yeas and nays were demanded.

Said bill was ordered to be engrossed for a third reading—Yeas 63, nays 23.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Belser, Bishop, Burnett, Brown, Camp, Carroll, Clifton, Cole, Cowan, W. P. Davis, Farrior, Fletcher, Foreman, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hatcher, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Hubbard, Humphries, Irvin of Walker, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Odom, Payne, Phillips, Pickett, Robinson, Rutherford, Sanford, Scott, Shelly, Skelton, St. John, Todd, Vest, Walker of Lauderdale, Ward, Wilkins Webb, Yeldell and Yelverton—63.

Those who voted in the negative are:

Messrs. Agee, Bell, Benners, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Foscue, Fox, Gordy, Hanserd, Inge, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Owen, Portis, Reynolds, Rhodes, Sterritt, Talbert, Thornton, Walker of Mobile and Whitsitt—23.

Mr. Hall, from the same committee, to whom was referred a bill to authorise certain banks in this state to issue bills under the amount of five dollars, reported adversely thereto, as a bill similar in its provisions had already been reported.

Mr. Martin moved to lay the bill and report on the table.

Mr. Alldredge called for a division of the question.

The question was first taken on laying the report on the table, and the yeas and nays were demanded, when said motion was lost. Yeas 36, nays 51.

Those who voted in the affirmative are:

Messrs. Alldredge, Bishop, Carroll, Clifton, Cowan, Foreman, Gilbreath, Gillam, Greene, Henry, Hill, R. H. J. Holly, A. Holly, Lawrence of Cherokee, McCall of Barbour, McBryde, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Payne, Rhodes, Robinson, Sanford, Scott, Skelton, St. John, Todd, Vest, Ward, Watkins, Webb, Wills and Yelverton—36.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Benners, Brown, Burnett, Camp, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Fletcher, Foscue, Fox, Goodin, Gordy, Hall, Hanserd, Hatcher, Hays, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Owen, Phillips, Pickett, Portis, Reynolds, Rutherford, Shelly, Sterritt, Talbert, Thornton, Walker of Lauderdale, Walker of Mobile, Whitsitt and Yeldell—51.

Mr. Martin then withdrew his motion to lay said bill on the table.

Said report was then concurred in.

Mr. Hubbard moved to suspend the orders of the day, in order that he might offer a resolution.

Said motion was lost.

Mr. Percy Walker, from the Committee on the Judiciary, to which was referred a bill amendatory of the laws on the subject of liens on steam boats and other water craft, reported the same back with amendments.

Said amendments were adopted, and the bill as amended ordered to be engrossed for a third reading on to-morrow.

Mr. Talbert, from the Committee on the Military, to whom was referred so much of the Governor's message as relates to the militia, recommending musters and drills to be dispensed with, and also a resolution adopted by the House on the same subject, reported adversely thereto.

Mr. Humphreys moved to lay said report on the table; which motion prevailed.

Mr. Hall, from the Committee on Banks and Banking, to whom was referred a bill to repeal so much of the code as prohibits the circulation of bank bills of other states of less denomination than five dollars, reported adversely thereto.

Said report was concurred in.

Mr. W. P. Davis, from the Committee on the Judiciary, to whom was referred a bill to allow pay to jurors in certain cases, reported back said bill with amendments.

Said amendments were adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Foscue, from the Committee on Propositions and Grievances, to whom was referred a bill for the relief of William Weatherford and others, reported back a substitute therefor.

Said substitute was adopted.

Mr. Agee moved to amend said bill by extending the provisions of the same to Charles Weatherford, senior, and Charles Weatherford, junior, of Monroe county.

Mr. Pickett moved to re-commit said bill to the committee, with instructions to inquire into the constitutionality of the provisions of said bill.

Said motion prevailed.

On motion, the House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, December 2, 1853.

The House met pursuant to adjournment.

Leave of absence was granted to Messrs. Gillam and R. H. J. Holly until Monday next, and to Mr. Gillam indefinitely.

On motion of Mr. Yelverton, the call of the counties was suspended, in order to enable standing committees to report.

Mr. Curry, from the Committee on Internal Improvements, to whom was referred the Senate bill to incorporate the North-East and South-West Alabama Rail Road Company, reported back said bill with amendments, and recommended its passage as amended.

Mr. Alldredge moved to postpone the further consideration of said bill until next Tuesday, and he made the special order for the hour of 11 o'clock of that day, and also that one hundred copies be printed for the use of the House; pending which, the hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for that hour.

Mr. Martin moved to suspend the special order for the hour. The motion prevailed, and the question recurred on the motion of Mr. Alldredge to postpone and print said bill.

Said motion was lost.

The House then concurred in the first amendment proposed by the committee.

Mr. Shelly moved to suspend the further consideration of said bill, and also the special orders of the day, in order to enable the Select Joint Committee appointed to audit and settle the accounts of F. S. Lyon, commissioner and trustee to settle the affairs of the State Bank and Branches, to make their report.

Said motion prevailed.

Mr. Bell, from said committee, to whom was referred the report of F. S. Lyon, commissioner and trustee to settle the affairs of the State Bank and Branches, and to provide for the payment of the public debt, with instructions to audit and settle his accounts, then reported that they had discharged that duty, and a settlement of said accounts and settlement, together with the following resolutions:

*Resolved*, That the House of Representatives has learned with regret the determination of F. S. Lyon to retire from the office of Commissioner and Trustee of the State Bank and Branches, the duties of which he has so long discharged with such distinguished fidelity and ability.

*And be it further resolved*, That in evidence of their high appreciation of his services, the thanks of the House of Representatives are hereby tendered to him, and that the Speaker of the House of Representatives be requested to furnish him with a copy of these resolutions.

Said resolutions were adopted, and on motion of Mr. Watkins said report was laid on the table, and three thousand copies ordered to be printed.

Mr. L. P. Walker moved to reconsider the vote just taken on the adoption of said resolutions, in order that the vote adopting the same might be unanimous.

Said motion prevailed, and said resolutions were then unanimously adopted.

Mr. Bell laid before the House a communication from F. S.

Lyon, resigning the office of commissioner and trustee to settle the affairs of the banks, and to provide for the payment of the public debt.

Mr. Bell also introduced a bill to continue the office of commissioner and trustee to close the remaining business of the banks, and for other purposes.

Said bill was read and ordered to a second reading on to-morrow.

A message from the Senate, by Mr. Nicholson :

Mr. Speaker : The Senate has passed a bill amending the Code of Alabama in relation to township schools, and a bill to change the time of taking up the State docket for Montgomery county, in which the concurrence of the House is requested.

Mr. Shelly, from the Committee on Rules, to which was referred the rule of the House of Representatives of the last general assembly, and a rule requiring all bills in their second reading to be referred to their appropriate committees, and also a rule to require the House to meet at nine o'clock a. m. of each legislative day, reported back amendments to said rules.

The House concurred in the first amendment proposed by said committee, giving the right to a member to discuss briefly a point of order made by him ;

Also, on the second amendment proposed, making a majority of members to constitute a quorum, but giving a minority the right to compel the attendance of absent members ;

Also, on the third amendment proposed to the tenth rule ;

Also, on the amendment to the twelfth rule of the House ;

Also, on the amendment proposed to the sixteenth rule.

Mr. Hall moved to amend the sixteenth rule of the House, by giving the third privileged question in said rule precedence of the second.

Said motion was lost.

Mr. Hill called for a division of the question on the amendment proposed by said committee to the seventeenth rule of the House; pending which, the House adjourned until to-morrow morning, at 10 o'clock.

The following is the report of the joint committee to audit and settle the account of F. S. Lyon, commissioner to settle the affairs of the State Bank and Branches :

## REPORT.

The joint committee of the two Houses of the General Assembly, to whom was referred the report of F. S. Lyon, (Commissioner and Trustee to settle the affairs of the State Bank and Branches, and to provide for the payment of the public debt of the State,) with instructions to audit and settle his account, instruct me to report :



That in order to have convenient access to all books, papers, accounts, reports and vouchers relating to the business superintended and conducted by said Commissioner and Trustee, and referred to in his report of his official transactions from the first November, 1851, to first November, 1853, they held their meetings in the Branch of the State Bank in this city.

In the first instance, the committee proceeded to a minute and careful examination of the cash account between the Commissioner and the State, from 1st November, 1851, to 1st November, 1853, showing his receipts and disbursements of money on account of the State during that period.

At the close of the last settlement of his cash account, made and reported by a joint committee of the last General Assembly, the balance then found to be on hand, and for which he was chargeable, was.....	\$52,104 39
He has since that time, up to first November, ult., received from various sources for the State, as shown and explained in his account.....	\$1,870,475 61

Amounting, in all, to.....	\$1,922,580 00
Of this sum he has expended, in paying interest, redeeming the public debt and otherwise as shown in his account, the sum of.....	1,866,711 60

Leaving an unexpended balance on hand of.....	\$55,868 40
---	-------------

Which unexpended balance is on deposited to the credit of the Commissioner and subject to his order.

The committee carefully examined each item of the account, and compared the same with the vouchers therefor, and find a satisfactory and proper voucher for every item, however small. The items were all not only found strictly correct and authorised by law, but many of them showed arrangements and investments of the public money highly judicious and profitable to the State.

No part of the public business of the State has attracted more attention, than that entrusted to the Bank Commissioner, nor has any officer of the State been charged with more responsible duties, or so large discretionary powers; hence the committee have felt it their duty to carefully and closely examine into his transactions.

They have endeavored to inform themselves whether in the receipts and disbursements of the public money, in sums so large, and often in items so numerous and various, the system adopted would operate as a check upon the several persons through whose hands the public money might pass. By the papers, reports and accounts submitted to their examination, they found that under the plan adopted and practised, all monies collected by or for each of the banks, in the first instance went into the bank to which it belonged, the Assistant Commissioners being held accountable for it.

He was required to show from what debt or source each credit in bank was derived, and the list of debts furnished the General Assembly, at each session, the books of the bank, his monthly reports of his account to the Commissioner and his semi-annual report of collections to the Governor operate as a check upon him. When money was paid out by the bank to, or upon the order of the Commissioner, or placed to his credit at other places, the bank charged it to the Commissioner. The account from from each bank laid before your committee operates as a check upon the Commissioner.

The account of cash received and disbursed by the Commissioner was verified by the vouchers, together with the profits made for the State, is the one we have examined and settled as herein stated. A more perfect system than the one observed in the banks, could not, in the opinion of your committee, have been adopted in the settlement of their troublesome and complicated affairs, and your committee, from their examination of what has been done by the Commissioner and his assistants, are satisfied it has been carried out with a degree of industry, fidelity and ability that probably could not have been surpassed in closing such a business.

Your committee next turned their attention to the profit and loss account of the Commissioner.

By reference to the report of the joint committee of last session it was ascertained that up the 1st November, 1851, the Commissioner had made for the State and realized in cash by purchase of Treasury notes, six per cent. United States stock, and in dealing in exchange, independent of what had been saved by the State by the discount on bonds purchased, the sum

of.....	\$317,248 60
The amount of nett cash profit made and realized since 1st November, 1851,* up to 1st November, 1853, (also exclusive of discount on bonds purchased) has been.....	166,871 69
	<hr/>
	\$484,120 29
Less amount premium on North Carolina and Virginia bonds.....	27,181 08
	<hr/>
* Shows profit of.....	\$456,939 21
To which should be added present premium on above bonds—say five per cent.....	45,000 00
	<hr/>
Showing a nett profit to the State of.....	\$501,939 21
If to this sum we add amount saved to the State in the redemption of her bonds.....	997,295 75
	<hr/>
We have a total nett gain of.....	\$1,499,234 96

Your committee next proceeded to examine the accounts of collections from the several banks from 1st November, 1851, to 1st November, 1853, as shown in the Commissioner's report.

They then examined the circulation account and find the same to be correct as stated in the report, showing the amount of outstanding circulation of all the banks to be \$291,237.

The attention of your committee was next directed to that portion of the Commissioner's report relating to the sale of the State's stock in the Bank of Mobile. At the time of the sale the stock in the Bank of Mobile was at par:

The State held stock in the Bank.....			\$600,000
For which the Bank agrees to deliver the State's bonds for like amount, paying interest from date of sale.....		\$600,000	
The State was also discharged from a debt due the Bank, of.....	\$84,000		
Less one-half amount of previous dividends received from the Bank.....	31,400	52,500	652,500

Showing a profit over purchase of.....			\$52,500
Equal to about $8\frac{1}{2}$ per cent. premium.			

This, it is true, is some two per cent. less than the present market value of Mobile Bank stock, which has increased by the gains of the bank since the date of the sale. But the rapid appreciation of the stock has been mainly owing to the divorce of the State from its connection with the bank effected by the sale.

Your committee believe the sale was most judicious at the time, and that nothing more could have been made if the State had retained its interest longer, as this very retention would have prevented the appreciation of the stock of the bank to its present value.

They then looked into the account of bonds on hand and outstanding, of which they here present a tabular statement, from which it will be seen at a glance, amount and description of bonds outstanding as well as those that have been redeemed, and from which it will also be seen that the amount outstanding, as well as the annual interest to be provided for, and the balance of the debt actually against the State to be provided for, is as stated by the Commissioner.

The bonds redeemed since November, 1851, and the North Carolina and Virginia six per cent. bonds were counted and found correct.

Our bond debt when the banks were placed in liquidation, as will be seen from the accompanying tabular state-

ment, was.....	\$9,232,555	55
Bearing an annual interest of.....	\$472,757	77
Which debt is now reduced to.....	3,584,666	67
Bearing an annual interest of.....	178,523	33

The entire circulation of the banks outstanding 1st November, 1847, was..... \$457,177 00  
Which is now reduced to \$290,237

During the process of winding up the banks the outstanding circulation has not been redeemed with specie, but the fact of its being received in payment of taxes and other public dues, and the general confidence felt in the skillful management of the Commissioner in closing up the affairs of the banks, and in the good faith of the State, has caused the bills to pass at or near par, and they are at this time, for all ordinary business purposes, quite equal to the notes of the specie paying banks of the State.

While the community has sustained no loss by their circulation, the State has derived very great and important advantages therefrom.

The most sanguine friends of the system adopted and pursued in winding up and closing the affairs of the banks, had not in its commencement ventured to predict, or hope so favorable a result as has been witnessed.

Your committee, in presenting a state of facts so auspicious and gratifying to the people of the State, regret to learn that the officer mainly instrumental in bringing about a state of things so conducive to the credit and flattering to the prospects of the State, finds it no longer convenient to remain in office where his labors have been so signally useful to the public.

Though the affairs of the State Bank and Branches have been so nearly closed, there is yet such an amount of unsettled business as in the opinion of your committee to demand the continuance, for at least another term, of a system that has been attended with such unparalleled success. The business having been so far reduced and simplified, they recommend a reduction of the salary of Commissioner and Trustee to twenty-five hundred dollars, and in accordance with these views, I am instructed by the committee to report the accompanying bill.

Your committee, in conclusion, take this occasion to express their entire approbation of every transaction of the Commissioner which has come within their investigation, and to say that his skillful management of the monied concerns of the State, has produced results and yielded profits much beyond what were hoped for by the most sanguine of those acquainted with the means at his command, and the nature and condition of the business out of which so large a sum has been saved to the State.

In evidence of their very high opinion of the eminent and faithful services of the Commissioner, from the commencement to the close of his official duties, they recommend the passage of the following resolutions:

*Resolved*, That the Senate has learned, with regret, the determination of F. S. Lyon to retire from the office of Commissioner and Trustee of the State Bank and Branches, the duties of which

he has so long discharged with such distinguished fidelity and ability.

*And be it further resolved,* That in evidence of their high appreciation of his services, the thanks of the Senate are hereby tendered to him, and that the President of the Senate be requested to furnish him a copy of these resolutions.

R. JEMISON, Jr.,

Chairman on part of the Senate.

J. BELL,

Chairman on part of House of Representatives.

### BONDS OUTSTANDING 1ST APRIL, 1847.

Rate of Interest.	Amount of Bonds.	Annual Interest.	When Due.	Where Payable.
6 Per Cent. . .	\$100,000 00	\$6,000 00	1850	New York.
5 " ..	300,000 00	15,000 00	1852	"
5 " ..	3,500,000 00	175,000 00	1863	"
5 " ..	459,000 00	22,950 00	1865	"
5 " ..	382,000 00	19,100 00	1866	"
5 " ..	500,000 00	25,000 00	1865	N. Orleans.
5 " ..	500,000 00	25,000 00	1866	"
6 " ..	1,013,000 00	60,780 00	1850	London.
5 " ..	1,043,555 55	52,157 77	1858	"
5 " ..	1,435,000 00	71,750 00	1866	"
	<b>\$9,232,555 55</b>	<b>\$472,757 77</b>		

### BONDS OUTSTANDING 1ST NOVEMBER, 1853.

Rate of Interest.	Amount of Bonds.	Annual Interest.	When Due.	Where Payable.
6 Per Cent. . .	\$100,000 00	\$6,000 00	1870	New York.
5 " ..	2,091,000 00	104,550 00	1863	"
5 " ..	55,000 00	2,750 00	1865	"
5 " ..	190,000 00	9,500 00	1872	"
6 " ..	729,000 00	43,740 00	1870	London.
5 " ..	594,666 67	29,733 33	1858	"
5 " ..	725,000 00	36,250 00	1866	"
	<b>\$4,484,666 67</b>	<b>\$232,523 33</b>		
Less interest on \$900,000 N. Carolina and Virginia 6's.,		54,000 00		
		<b>\$178,523 33</b>		



SATURDAY, December 3, 1853.

The House met pursuant to adjournment.

Leave of absence was granted to Messrs. Hatcher, Webb and Burnett.

Mr. Percy Walker introduced a bill for the establishment of a system of common schools in this State, and to provide a fund for the same; which was read.

On motion of Mr. Hill, the rule was suspended, and the bill read the second time forthwith; and on motion of Mr. Henry, was referred to the Committee on Education.

Mr. Henry moved that 3000 copies of said bill be printed for the use of the House.

Said motion was lost.

On motion of Mr. Alldredge, the House ordered the printing of 133 copies thereof.

Mr. Hall introduced a bill to raise a fund for school purposes, and in aid of valueless sixteenth sections.

Said bill was read a first and second times forthwith, under a suspension of the rules, referred to the Committee on Education, and 133 copies ordered to be printed.

Mr. Hall introduced a bill to appoint a superintendant of common schools, and for other purposes; which was read the first and second times, the rule being suspended, and referred to the Committee on Education.

Bills were introduced by

Mr. Alldredge, to prevent frivolous prosecutions;

Mr. Yelverton, to furnish the judge of probate of Coffee county with the Alabama Reports;

Mr. Murphy, to define the line between the counties of DeKalb, Jackson and Cherokee;

Mr. Newman, establishing jury trials in justices courts in DeKalb county.

Said bills were severally read and ordered to a second reading.

Mr. Clifton introduced joint resolutions proposing amendments to the Constitution, giving justices of the peace jurisdiction of assaults and assaults and batteries; which were read and ordered to a second reading.

The hour of eleven o'clock having arrived, Mr. Yelverton moved to suspend the consideration of the special order, to enable him to make a report from the Committee on Divorce and Alimony.

Said motion was lost.

The House then resumed the consideration of the report of Mr. Shelly, from the Committee on Rules.

On motion of Mr. Murphy, the report was laid on the table.

The House then resumed the consideration of the report of Mr. Curry from the Committee on Internal Improvement, on the bill from the Senate to incorporate the North-East and South-West Alabama Rail Road Company.

The question recurred on the first branch of the second amendment, reported by said committee, to-wit:

"Strike out all after the word "indicate" down to "and for the purpose," and insert, "provided that the route of said road shall not extend to the south, or east of the Coosa river."

The following message from the Governor by Mr. Harrison:

Mr. Speaker: His Excellency the Governor has approved bills, which originated in the House, of the following titles:

An act to repeal a certain act therein named;

An act to repeal sections 769, 770 and 771 in their application to the county of Pickens;

An act to divide the county of Pickens into commissioners' districts;

An act to divorce a certain person therein named;

An act permanently to locate the county site of DeKalb county and for other purposes.

The following message was received from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has passed a bill to regulate sheriff's sales in the county of Franklin, which originated in the House.

Mr. Lindsey from the Committee on Enrolled Bills, to whom were referred bills of the following captions, have had the same under examination, and report them back as being correctly enrolled:

A bill to be entitled an act to change the time of holding the circuit court of Barbour county;

A bill to authorize the Governor to issue a patent to a certain person therein named;

A bill to be entitled an act to increase the pay of jurors and witnesses in Lowndes county;

A bill for the relief of Lorenzo Dow Dean of Butler county, Alabama;

A bill to repeal an act approved the 2nd of February, 1850, in relation to Washington county;

A bill providing for the appointment of a general guardian for the county of Sumter;

A bill for the relief of Susan Goodwin of Pickens county;

A bill to repeal an act exempting certain persons from working on the public roads in the county of Choctaw;

A bill providing for the compensation of jurors in justices courts in the county of Pike, in certain cases therein named.

The House then resumed the consideration of the first branch of the second amendment proposed by the Committee on Internal Improvement, to the bill to incorporate the North-East and South-West Rail Road Company, as stated above, and the yeas and nays were demanded.

Said amendment was adopted—Yeas 61, nays 25.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Allen, Bell, Belser, Bishop, Car-

roll, Clifton, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Farrior, Foreman, Foscue, Garth, Goodin, Gordon, Hall, Hanserd, Hays, Henry, A. Holly, Humphreys, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Choctaw, Lindsey, McBryde, McCall of Barbour, Meek, Murphy, Nelms, Newell, Newman, Odom, Owen, Payne, Phillips, Pickett, Rhodes, Rutherford, Sanford, Scott, Shelly, Skelton, Talbert, Todd, Vest, Walker of Lauderdale, Ward, Watkins, Weaver, Whitsitt, Wills, Yeldell and Yelverton—61.

Those who voted in the negative are :

Messrs. Agee, Alldredge, Benners, Brown, Camp, Creagh, Ervin of Wilcox, Fletcher, Fox, Gilbreath, Greene, Hill, Hubbard, Inge, Lawrence of Fayette, Lawrence of Shelby, Martin, McCall of Choctaw, Musgrove, Reynolds, St. John, Sterritt, Thornton, Walker of Mobile and Wilkins—25.

The question then recurred on the second branch of the second proposed amendment by said committee, to-wit :

“Provided the route of said road shall not extend to the south or east of the Coosa river.”

Said amendment was adopted.

The question recurred on the amendment proposed by said committee to strike out after the words crossing said road, in the 7th section, the words “in such manner, &c.” to the word advisable included.

Said amendment was adopted.

The question then recurred on the amendment proposed by said committee in said section by way of proviso.

Mr. Martin moved the following amendment by way of substitute to said amendment :

*Provided*, That any other rail road or other internal improvement company, now, or hereafter to be chartered by the general assembly in this State, shall have the right to cross, intersect or connect with that of the corporation hereby created ; that the said right of connection hereby given shall be on such terms as are usual and customary in the country of rail roads ; and that the corporation hereby created shall have no power to discriminate in favor of its road against such connecting road on freight or passage ; and that the like right of crossing, intersecting or connecting with any other rail road or internal improvement company, now or hereafter to be chartered by the general assembly of this State, be and the same is hereby conferred on the said corporation hereby created, on the same terms and limitations as above designated in this section.

Said substitute was adopted, and the amendment proposed by said committee as amended was then adopted.

The question then recurred on the amendment proposed by said committee to the 17th section, as follows :

After the words “non-attendance,” insert “unless excused by the court.”

Said amendment was adopted.

The question then recurred on the amendment proposed by said committee to the 18th section, as follows:

After the word designated in the fifth line, insert "provided that the gauge of said road shall be the same as that of the Mobile and Ohio Rail Road.

Pending which, the House adjourned until to-morrow morning, 10 o'clock.

MONDAY, December 5, 1853.

The House met pursuant to adjournment.

Charles P. Findley, member elect from the county of Bibb, appeared within the bar of the House; was qualified and took his seat.

Mr. Percy Walker moved to suspend the call of the counties in order to enable the Committee on the judiciary to make a report.

Said motion prevailed.

Mr. Percy Walker, from the Committee on the Judiciary, to whom was referred the Senate bill to incorporate the Mobile Transportation and Insurance Company, reported back said bill with amendments.

The amendments proposed by said committee were adopted.

Mr. Creagh moved to amend first amendment proposed by said committee by striking out five after the figures 25, in order to make it read 20 cents per hundred pounds, instead of 25 cents.

Said amendment was adopted.

Mr. Hubbard moved to amend the seventh section of said bill by striking out the words "in such form as the general assembly may prescribe."

Said amendment was adopted.

Mr. Martin moved to amend said bill by striking out the seventh section thereof; pending which the following message was received from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has originated and passed a bill to regulate the fees of the judges of probate of Montgomery county.

Also, a bill to authorise the judge of the second judicial circuit, or such other judge as he may procure, to hold a special term of the court for the county of Dallas.

The Senate has also adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House on Wednesday next, at 12 o'clock, for the purpose of electing a chancellor for the southern division of Alabama, to supply the vacancy occasioned by the resignation of the Hon. Joseph W. Lessesne, in which the concurrence of the House is requested.

The House resumed the consideration of the bill to incorporate the Mobile Transportation and Insurance Company.

The question recurred on the motion of Mr. Martin to strike out the seventh section of the bill.

Mr. Shelly moved to amend said section by striking out the word "second" where it appears in said section; and by adding after the word "given" in the same section the words "at least twelve months previous to said session."

Said amendment was adopted.

Mr. Shelly then moved to amend the same section by striking out the words "on satisfactory showing," where they appear in said section.

Said amendment was adopted.

The question then recurred on the motion of Mr. Martin to strike out the 7th section of the bill, and the yeas and nays were demanded.

Said motion prevailed—yeas 52, nays 32.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Alldredge, Benners, Bishop, Brown, Camp, Calhoun, Carroll, Clifton, Cook, Fletcher, Foscue, Foreman, Fox, Gillam, Goodin, Hall, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Inge, Irwin of Walker, Johnson, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Martin, McBryde, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Newell, Newman, Odom, Payne, Portis, Reynolds, Rhodes, Rutherford, Sanford, Sterritt, Talbert, Thornton, Todd, Vest, Weaver, Whitsitt and Wilkins—52.

Those who voted in the negative are:

Messrs. Agee, Bell, Belser, Cowan, Creagh, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Gilbreath, Gordy, Greene, Hays, Hubbard, Humphreys, Jay, Judge, Laughinghouse, Meek, Murphy, Owen, Phillips, Pickett, Shelly, Skelton, St. John, Walker of Mobile, Ward, Watkins, Wills, Yeldell, and Yelverton—32.

Mr. Martin offered a substitute for said section, as follows:

SEC. 7th. *And be it further enacted*, That the powers hereby conferred shall not continue or be exercised by said company for a longer term than ten years from the passage of this act, and that at any time the general assembly of the State shall have power to modify or repeal the charter hereby created.

Mr. Belser then moved to amend said substitute by striking out all after the enacting clause down to the words "that at any time," so as to give power to the general assembly at any time to modify or repeal said charter.

Said amendment was adopted.

The question then recurred on the said substitute as amended, and the yeas and nays were demanded.

Said substitute was adopted—yeas 61, nays 15.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Bell, Benners, Brown, Camp, Carroll, Clifton, Cole, Cook, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gillam, Goodin, Gordy, Hall, Hanserd, Hill, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Inge,



Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Martin, McBryde, McCall of Choctaw, Musgrove, Nelms, Newell, Owen, Payne, Phillips, Pickett, Reynolds, Rhodes, Sanford, Shelly, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Watkins, Weaver, Whitsitt, Wilkins and Yeldell—61.

Those who voted in the negative are:

Messrs. Speaker, Bishop, Calhoun, Cowan, Creagh, Gilbreath, Henry, Laughinghouse, Meek, Murphy, Odom, Rutherford Skelton, Walker of Mobile, and Yelverton.

Mr. Hall moved to amend the first section of said bill by striking out "five hundred thousand," where the same appears in said section.

Said motion was lost.

Mr. Agee moved to amend the sixth section of said bill by adding the following: "and charges for freight," on other goods and merchandize at proportionate rates.

Said amendment was adopted.

The question then recurred on ordering said bill to a third reading on to-morrow, and the yeas and nays were demanded.

The bill was ordered to a third reading—yeas 66, nays 15.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Bell, Belser, Bishop, Camp, Calhoun, Clifton, Cowan, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Gilbreath, Gilman, Goodin, Gordy, Henry, Hill, R. H. J. Holly, A. Holly, Hubbard, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Martin, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newman, Odom, Owen, Payne, Phillips, Pickett, Reynolds, Rutherford, Sanford, Shelly, Skelton, St. John, Sterritt, Todd, Vest, Walker of Mobile, Ward, Weaver, Wilkins, Wills, Yeldell and Yelverton—66.

Those who voted in the negative are:

Messrs. Benners, Brown, Carroll, Foscue, Fox, Garth, Hall, Hanserd, Hays, Inge, Lindsey, Talbert, Thornton, Watkins and Whitsitt.

The House then resumed the consideration of the Senate bill to incorporate the North-east and South-west Rail Road Company.

The question being on the amendment reported by the Committee on the Judiciary to the 18th section of said bill, which is as follows: after the word "designated" in the fifth line, insert "provided that the gauge of the said road shall be the same as that of the Mobile and Ohio Rail Road;" pending which the House adjourned until to-morrow morning at 10 o'clock.

TUESDAY, December 6, 1853.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Skelton for ten days.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Mr. Alldredge moved to suspend the call of the counties, in order to take from the orders of the day the Senate bill to incorporate the Mobile Transportation and Insurance Company.

Said motion prevailed.

Mr. Creagh moved to amend said bill by way of engrossed rider, to be added to section sixth of said bill as follows: Provided that said company shall not demand or receive more than one dollar per bale of cotton on any bale weighing less than five hundred and fifty pounds, nor more than eight dollars per passenger from Mobile to Montgomery, or from Montgomery to Mobile, and that rate for all intermediate distances, and on all of the rivers emptying into the bay of Mobile.

Said rider was read a first and second times, and became a part of the bill.

Said bill was then read the third time, and the yeas and nays were demanded on its passage.

Said bill passed. Yeas 45, nays 40.

Those who voted in the affirmative are:

Messrs. Agee, Bell, Belser, Bishop, Burnett, Camp, Clifton, Cole, Cowan, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Foreman, Gilbreath, Goodin, Gordy, Greene, Henry, Hill, Horn, Hubbard, Jay, Judge, Martin, McCall of Barbour, Meek, Murphy, Owen, Payne, Phillips, Pickett, Scott, Shelly, Skelton, Sterritt, Todd, Walker of Mobile, Weaver, Webb, Wilkins, Wills and Yelverton—45.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Benners, Brown, Calhoun, Carroll, Fletcher, Foscue, Fox, Garth, Gillam, Hall, Hanserd, R. H. J. Holly, A. Holly, Inge, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Choctaw, Musgrove, Newell, Newman, Odom, Portis, Reynolds, Rhodes, Rutherford, Sanford, St. John, Talbert, Thornton, Watkins and Yeldell—40.

On motion, ordered that said bill be sent forthwith to the Senate.

Mr. Foscue moved that when the House adjourned it meet again at three o'clock this evening, in order to take up the calendar and dispose of the orders of the day.

Said motion prevailed.

The House then resumed the consideration of the Senate bill to incorporate the North-East and South-West Rail Road Company, the question being on the amendments proposed by the Committee on Internal Improvement to the eighteenth section of said bill, to-wit: after the word "designated," in the fifth line, insert "provided that the guage of said road shall be the same as that of the Mobile and Ohio Rail Road;" and the yeas and nays were demanded on the adoption of said amendment.

Said amendment was adopted—Yeas 51, nays 31.

Those who voted in the affirmative are :

Messrs. Speaker, Agee, Aldredge, Allen, Bell, Burnett, Carroll, Cole, Cowan, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Fox, Garth, Gilbreath, Goodin, Gordy, Greene, Hall, Hanserd, Hays, Henry, Hill, Hubbard, Irwin of Walker, Jay, Laughinghouse, Lawrence of Fayette, Meek, Nelms, Owen, Phillips, Pickett, Shelly, St. John, Talbert, Thornton, Todd, Vest, Walker of Mobile, Watkins, Weaver, Webb, Whitsitt, Wilkins, Wills, Yeldell and Yelverton—51.

Those who voted in the negative are:

Messrs. Abercrombie, Belser, Benners, Bishop, Brown, Camp, Calhoun, Clifton, Creagh, Gillam, R. H. J. Holly, A. Holly, Humphreys, Inge, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Martin, McBryde, McCall of Choctaw, Murphy, Newman, Odom, Payne, Portis, Rhodes, Rutherford, Sanford, Scott and Ward—31.

The second proposed amendment by said committee to said section, to-wit: strike out all after the word "designated," down to "and shall have power," &c.;

Also, the amendment to the twenty-first section of the said bill, to-wit: after the word "majority," insert "in value;"

Also, the amendment proposed to the twenty-fifth section of the bill, to-wit: after the words "said company," insert "when employed in the service of the company;" were severally adopted.

Mr. Martin then offered the following amendment to the eighteenth section of the bill, to be inserted after the word "designated," where it appears in said section: "that the company shall have power to construct and authorise to be constructed rail roads to connect with the trunk of said road, not exceeding five miles in length, all of which lateral roads so to be constructed shall, as to right of way and material, have the same powers and be governed by the same rules and regulations as the main road, provided that this privilege shall extend only east of the city of Tuscaloosa: provided further, that the right to construct any such branch or branches shall not exist when the construction of the same would obstruct or interfere with or prevent the building of the main trunk or any portion thereof of any other road now or hereafter to be chartered by the general assembly of this State; and any rail road or plank road company now or hereafter to be chartered by the State of Alabama, shall have a right to construct its improvement or improvements parallel to, and have the right to cross, intersect or connect with any such branch or branches.

Said amendment was adopted, and the bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. Speaker laid before the House a communication from his excellency the Governor, transmitting a copy of the letter received from the commissioner of the general land office in relation to the

selections of the swamp and overflowed lands in the State of Alabama.

Said communication and accompanying paper was, on motion of Mr. Belser, referred to the Committee on Federal Relations.

Mr. Speaker also laid before the House a communication from his excellency transmitting the report of the trustees of the hospital now being constructed in this State for the insane.

On motion of Mr. Foscue, said communication and report was referred to the Committee on Retrenchment.

Mr. Martin moved to reconsider the vote just taken on the referring said communication and report to the Committee on Retrenchment.

Said motion prevailed.

Said documents, on motion of Mr. Martin, were then referred to the Committee on Ways and Means.

The resolution from the Senate, proposing that the two houses assemble in convention on Wednesday next, at 12 o'clock, for the purpose of electing a chancellor for the southern chancery division of Alabama, to supply the vacancy occasioned by the resignation of the Hon. Joseph Lesesne, was then read.

Mr. Yelverton moved to postpone the further consideration of said resolution until next Thursday.

The motion was lost.

Said resolution was then concurred in.

The House then adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The engrossed bills;

To cause the county treasurer and county surveyor of Cherokee county to be elected by the people;

For the relief of William B. Ray, tax collector of Montgomery county;

To authorise the county treasurer of the county of Jefferson to pay over certain funds, and for other purposes therein named;

To authorise the probate court of Montgomery county to grant letters of administration to Wesley D. Hall, deceased, late of the county of Coosa;

To authorise the probate judge to direct the sale of slaves by guardians in certain cases;

To define the duties of tax collectors in Lowndes county in certain cases;

To authorise sheriffs to qualify claimants;

To regulate the pay of jurors for the county of Coffee;

To repeal in part section 2056 of the code, relative to the sale of slaves under execution;

To alter section 3482 of the code, and to provide for the payment of special and tales jurors;

To provide for the payment of jurors and witnesses before coroners' inquests;

To repeal the patrol laws of Baldwin county;

To repeal in part the patrol laws of the counties of Marshall, Cherokee, DeKalb and others;

To fix the time for the election of county commissioners in each county in this State;

To allow the commissioners of the sixteenth section, township four, range fifteen, in the county of Covington, certain compensation therein named;

To give the courts of probate jurisdiction to compel the administrators or executors of a deceased executor, administrator or guardian to settle the accounts of his testator or intestate, as the case may be;

To authorise and empower the administrator of James W. C. Askew, late of Mobile county, deceased, to sell the property of said deceased;

To regulate the sale of real and personal property by executors and administrators;

To amend the law on the subject of liens on steam boats and other water craft;

To allow pay to jurors in certain cases; were severally read the third time and passed.

The engrossed bill for the relief of certain persons therein named, was read.

Mr. Murphy moved to amend said bill by way of engrossed rider.

Said rider was read the first and second times, and the bill as amended was then read a third time and passed.

The engrossed bill for the better government of slaves on farms and plantations, was read.

Mr. Whitsitt moved to amend said bill by way of engrossed rider.

Mr. Creagh moved to amend said rider by filling the blank in the same with the number, so as to make it read thirty days.

Mr. Greene moved to amend said rider by filling the blank with the number sixty.

Said amendment was lost.

The question then recurred on the motion of Mr. Creagh to fill the blank with thirty.

Said amendment was adopted.

Said rider as amended was then read the first and second times and ordered to a third reading, and the yeas and nays were demanded on the passage of the bill as amended.

The bill passed—Yeas 65, nays 16.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Bell, Belser, Brown, Calhoun, Carroll, Cowan, Creagh, Ervin of Wilcox, Farrior, Findley, Fletcher,



Foreman, Foscue, Gilbreath, Gillam, Gordy, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Owen, Payne, Phillips, Reynolds, Rhodes, Robinson, Rutherford, Shelly, Sterritt, Talbert, Todd, Vest, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Wills and Yeldell—65.

Those who voted in the negative are:

Messrs. Alldredge, Benners, Bishop, Burnett, Camp, Clifton, J. W. Davis, Greene, Hanserd, Hays, Portis, Sanford, Scott, St. John, Thornton, Wilkins and Yelverton—16.

The engrossed bill to prescribe the time at which laws hereafter enacted shall take effect, was read.

The yeas and nays were demanded on the passage of said bill.

Said bill passed—Yeas 56, nays 23.

Those who voted in the affirmative are:

Messrs. Agee, Bell, Belser, Benners, Burnett, Calhoun, Carroll, Cowan, Cook, Creagh, J. W. Davis, Fariior, Findley, Foreman, Foscue, Fox, Gilbreath, Gillam, Gordy, Greene, Hall, Hanserd, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Choctaw, Meek, Nelms, Newman, Owen, Payne, Phillips, Portis, Rhodes, Robinson, Rutherford, Sanford, Shelly, Talbert, Todd, Walker of Mobile, Watkins, Weaver, Webb, Whitsitt, Wilkins, Wills, Yeldell and Yelverton—56.

Those who voted in the negative are:

Messrs. Speaker, Alldredge, Bishop, Camp, Clifton, Fletcher, Hays, Hill, Irwin of Walker, Johnson, Lawrence of Fayette, Lawrence of Shelby, McCall of Barbour, Murphy, Musgrove, Newell, Odom, Reynolds, Scott, St. John, Sterritt, Thornton and Vest—23.

The engrossed bill to repeal a part of an act entitled an act to dispose of the unappropriated portion of the two per cent. fund, was read.

Mr. Creagh moved to lay said bill on the table.

Said motion was lost.

Mr. Shelly moved to reconsider the vote just taken; which was carried.

On motion of Mr. Creagh, the bill was then ordered to lie on the table.

The engrossed bill to authorise the Bank of Mobile, the Southern and Northern Banks of Alabama to issue bills of less denomination than five dollars, was read.

Mr. Hubbard moved to amend said bill by way of engrossed rider.

Said rider was read, and the House refused to order said rider to a second reading.

Mr. Hall moved to amend said bill by engrossed rider.

Said rider was read the first, second and third times.

Mr. Burnett also moved to amend by engrossed rider.

Said rider was read the first, second and third times.

The yeas and nays were demanded on the passage of the bill as amended.

The bill passed—Yeas 57, nays 25.

Those who voted in the affirmative are:

Messrs. Speaker, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Cowan, Farrior, Fletcher, Foreman, Garth, Gilbreath, Gillam, Greene, Hall, Henry, Hill, R. H. J. Holly, A. Holly, Hubbard, Humphries, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Newman, Odom, Payne, Phillips, Pickett, Reynolds, Robinson, Rutherford, Sanford, Scott, Shelly, St. John, Todd, Vest, Ward, Watkins, Weaver, Webb, Wills, Yeldell and Yelverton—57.

Those who voted in the negative are:

Messrs. Agee, Bell, Benners, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Findley Foscue, Fox, Gordy, Hanserd, Inge, Jay, McCall of Choctaw, Meek, Owen, Portis, Rhodes, Sterritt, Talbert, Thornton, Walker of Mobile, Whitsitt and Wilkins—25.

The House then adjourned until to-morrow morning, at 10 o'clock.

WEDNESDAY, December 7, 1853.

The House met pursuant to adjournment.

Mr. Foscue moved that when this House adjourn it meet again at 3 o'clock this evening, in order to take up the calendar and dispose of the orders of the day.

Said motion prevailed.

Mr. Martin moved to suspend the call of the counties, in order to take up the orders of the day.

Said motion was lost.

Mr. Lawrence of Fayette introduced a bill to be entitled an act to repeal part of an act to enlarge the corporation of the town of Fayette, approved February 5th, 1852.

Mr. Reynolds introduced a bill to repeal section 418 of the Code of Alabama, and for other purposes.

Mr. Carroll introduced a bill to amend section 3285 of the Code of Alabama.

Mr. Inge introduced a bill to provide for the compensation of witnesses required to attend upon the court of county commissioners.

Mr. Pickett introduced a bill to regulate the administration of estates of deceased persons in all suits in the chancery courts of this State involving questions of administration and distribution.

Mr. Hanserd introduced a bill to change the commencement of the fiscal year, and to regulate and change the time for the collection and assessment of taxes.

Mr. Webb introduced a bill requiring justices of the peace and constables of Lowndes county in their respective beats to act as apportioners and supervisors of roads, and for other purposes.

Mr. Payne introduced a bill to alter and amend section 661 of the Code; also,

A bill for the relief of L. B. Strange.

Mr. Creagh introduced a bill to exempt the salaries of overseers, clerks, &c., from taxation; also,

A bill to repeal the license laws, and to define the manner in which intoxicating drinks may be sold in Alabama.

Mr. Fletcher introduced a bill to revive the acts incorporating the town of Warrenton, in Marshall county; also,

A bill to exempt certain property therein named from execution and sale.

Mr. Percy Walker introduced a bill to amend the proceedings in the city courts in Mobile; also

A bill to incorporate a cemetery company in the county of Mobile.

Mr. Agee introduced a bill to explain section 3992 of the Code of Alabama.

Mr. Belser introduced a bill to authorize the exchange of the bills of the State Banks and branches over five dollars in amount in circulation, for the bills under five dollars in amount in the State treasury; also,

A bill to authorise Mrs. Calhoun Moulton, executrix of Thomas Moulton, deceased, to purchase real estate therein mentioned; also,

A bill to authorise Lovick P. Butler to remove the negroes of his wards to the State of Texas, and for other purposes therein mentioned.

Mr. Judge introduced a bill to amend the existing laws in relation to free banking incorporations.

Mr. Meek introduced a bill for the relief of Anna Cullen.

Mr. Calhoun introduced a bill to repeal section 930, chapter 5, of the Code.

Mr. Foreman introduced a bill to authorise constables to resign their offices.

Mr. Portis introduced a bill for the relief of the constable of Livingston beat in the county of Sumter.

Mr. Bishop introduced a bill for the benefit of Pendleton F. King, of Talladega county.

Mr. Curry introduced a bill to amend the law in relation to attachments against foreign corporations.

Mr. Gordy introduced a bill to legalize a certain marriage therein named, and for other purposes.

Mr. Wilkins introduced a bill to repeal section 1163 of the new

Code, and to authorise the levying of a road tax in Baldwin county.

Mr. Clifton introduced a bill to define the military beat lines of this State.

Mr. McCall of Choctaw introduced a bill to amend the sixteenth section of the act to incorporate the Choctaw Male and Female Seminary, approved the 1st of July, 1850.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Hubbard introduced a bill to incorporate the Courtland Masonic Institute.

Said bill was read the first and second times under the suspension of the rule, and referred to the Committee on Education.

Mr. Whitsitt introduced a bill for the relief of L. B. Underwood, guardian of the minor heirs of William F. Harwell, deceased.

Said bill was read the first and second times under the suspension of the rule, and referred to the Committee on the Judiciary.

Mr. Hall introduced a bill to continue the deaf and dumb school; which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Vest presented the petition of A. B. McLane and others, which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Scott presented the account of Robert Gill of Pickens county; which was referred to the Committee on Accounts and Claims.

Also, the petition of Mulkey and Sewell, which was referred to the Committee on Ways and Means.

Mr. Pickitt presented the petition of John Nolin, and one hundred and eighty seven other citizens of Lawrence county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Foscue presented the account of N. W. Riddle; which was referred to the Committee on Accounts.

Mr. Creagh presented the petition of Charles Garrett, Oliver Boddie, and others; referred to the Committee on Propositions and Grievances.

Also, the petition of Eliza Cabiners of Marengo county; which was referred to the same committee.

Mr. Gilbreath presented the account of S. K. Raybun, and others; which was referred to the Committee on Accounts and Claims.

Mr. Belser presented the petition of Frances Menfee, asking to be allowed to peddle without license; referred to the Committee on Ways and Means.

Mr. Judge presented the petition of Smith Cullum and fifty

other voters of Montgomery county, for an anti-liquor law; which was referred to the Committee on Temperance.

Also, the memorial of J. W. Pollard and D. Gardner; which was referred to the same committee.

Mr. Cole presented the petition of E. King, and others of Perry county; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Talbert presented the petition of H. Hungerford, and others; and also

The petition of R. H. Hudson and others, of Union Town in Perry county;

Said petitions were severally referred to the Committee on the Judiciary.

Mr. Sterritt presented the petition of the Shelby Baptist Association, for a law carrying out the measures recommended by the convention at Selma;

Also, the petition of James Benton and ninety-two others of Shelby, for an anti-liquor law;

Also, the petition of Martha B. Forrest and other ladies of Shelby county, for an anti-liquor law.

Said petitions were severally referred to the Committee on Temperance.

Mr. Whitsitt presented a petition relating to the 16th section, township 23, range 3; referred to Committee on Sixteenth Sections.

Mr. Martin presented the account of James W. Warren; which was referred to the Committee on Accounts.

Also, the petition of one hundred and thirty-three citizens of Walker county, against the charter of the Bochin Road;

Also, the petition of 106 citizens of Marion county, opposing the charter of Bochin Road; which were severally referred to the Committee on Roads, Bridges and Ferries.

Mr. Cochran presented the petition of J. J. Martin and others of Barbour county, for an anti-liquor law; referred to the Committee on Temperance.

Mr. Wills presented the petition of James W. Wilson and thirty-four other voters of Benton county, for an anti-liquor law; referred to the Committee on Temperance.

Mr. J. W. Davis presented the petition of John Powell; which was referred to the Committee on Accounts and Claims.

Mr. Burnett presented the petition of William P. Harbin and others; which, on motion, was ordered to lie on the table.

#### SPECIAL ORDERS.

The hour of eleven o'clock having arrived,

The special order for that hour was taken up, it being the resolution offered by Mr. L. P. Walker in relation to internal improvements.



Mr. Martin moved to suspend the special order of the hour, in order to take from the orders of the day the Senate bill to incorporate the North-east and South-west Rail Road Company.

Said motion prevailed, and said bill was read a third time and passed.

Ordered that said bill be sent to the Senate forthwith.

Mr. Meek moved to suspend all prior orders in order to enable committees to report.

The motion was lost.

Mr. Meek then moved to suspend the special order, to offer a resolution.

Said motion prevailed.

Mr. Meek then offered the following resolution, which was adopted:

*Resolved*, That a committee of five, to co-operate with a committee on the part of the Senate, be appointed to make all necessary arrangements for the inauguration of a Governor elect.

Mr. W. P. Davis moved to suspend the special orders to offer a resolution.

Said motion prevailed.

Mr. Wills then offered the following resolution, which was adopted:

*Resolved*, (the Senate concurring,) That the two houses will meet in the House of Representatives, on Friday next, at 12 o'clock m., to elect a Secretary of State.

The question then recurred on the adoption of the resolution offered by Mr. L. P. Walker, it being the special order of the day.

Mr. Humphreys moved to amend said resolution as follows: Strike out the words "affording State aid to," in the third and fourth lines, and insert "making a direct appropriation out of the treasury, using for that purpose in part the stock of North Carolina and Virginia, lately purchased by the commissioner and trustee, &c., to build." Then strike out the words "should it be deemed expedient, some plan by" in the seventh and eighth lines and insert "a." Strike out in the ninth line the word "otherwise." Pending which the House, on motion of Mr. Hubbard, took an informal recess until five minutes before 12 o'clock, m.

Mr. Alldredge offered a resolution proposing to amend the rules of the House, which was ordered to lie over under the rule, and the hour of 12, m. having arrived, the Senate, by invitation appeared in the House, when the two houses in convention, proceeded to the election of a chancellor for the southern division of Alabama, to supply the vacancy occasioned by the resignation of the Hon. Jos. W. Lesesne. The name of Wade Keyes, Sterling Cato and Francis S. Bugbee being in nomination.

#### FIRST BALLOT.

Those who voted for Mr. Keyes are:

Messrs. Ashley, Clanton, Frazier, Hewlett, Jemison, H. C.

Jones, Lamar, Lee, Malone, Patton and Watts, of the Senate; and Messrs. Abercrombie, Allen, Benners, Carroll, Cowan, Cook, Fletcher, Garth, Gilbreath, Gillam, Hanserd, Henry, Hill, A. Holly, Horn, Hubbard, Humphreys, Jay, Judge, Laughinghouse, Lindsey, Martin, Nelms, Payne, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd, Walker of Mobile, and Watkins, of the House of Representatives—43.

Those who voted for Mr. Bugbee, are :

Messrs. Acklen, Baker, Brindley, Cocke, Crenshaw, Kimball, Hendricks, McLemore, Powell and Webb, of the Senate; and Messrs. Agee, Belser, Bishop, Brown, Camp, Cole, Creagh, Ervin of Wilcox, Goodin, Hall, R. H. J. Holly, Inge, Lawrence of Cherokee, Lawrence of Shelby, Meek, Owen, Phillips, Robinson, Scott, Sterritt, Webb and Yeldell, of the House of Representatives—32.

Those who voted for Mr. Cato, are :

Messrs. President, Bethea, Blake, Bradford, Dickinson, Hobdy, E. P. Jones, Kelly, Peterson, Searcy and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Bell Burnett, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Fox, Gordy, Hays, Irwin of Walker, Robinson, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Newell, Newman, Odom, Reynolds, St. John, Talbert, Thornton, Vest, Weaver Whitsitt, Wills and Yelverton, of the House of Representatives—48.

#### SECOND BALLOT.

Those who voted for Mr. Keyes are :

Messrs. Ashley, Baker, Clanton, Frazier, Hewlett, Jemison, H. C. Jones, Lamar, Lee, Malone, Patton, Watts, of the Senate; and Messrs. Abercrombie, Allen, Benners, Carroll, Cowan, Cook, Fletcher, Garth, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Judge, Laughinghouse, Lindsey, Martin, McCall of Choctaw, Nelms, Payne, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd, Walker of Mobile, Watkins and Webb of the House of Representatives—45.

Those who voted for Mr. Bugbee, are :

Messrs. Acklen, Brindley, Cocke, Crenshaw, Kimball, McLemore, Powell and Webb, of the Senate; and Messrs. Agee, Belser, Bishop, Brown, Camp, Cole, Creagh, Foreman, Goodin, Hall, Inge, Ervin of Wilcox, Lawrence of Cherokee, Lawrence of Shelby, Meek, Owen, Phillips, Robinson, Scott and Sterritt, of the House of Representatives—28.

Those who voted for Mr. Cato, are :

Messrs. President, Bethea, Blake, Bradford, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Searcy and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Bell, Burnett, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Fox, Gordy, Hays, Irwin of

Walker, Jay, Johnson, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Odom, Reynolds, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills, Yeldell, and Yelverton, of the House of Representatives—50.

#### THIRD BALLOT.

Those who voted for Mr. Keyes, are:

Messrs. Ashley, Baker, Clanton, Frazier, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Lee, Malone, Patton, Watts and Webb, of the Senate; and Messrs. Speaker, Allen, Benners, Carroll, Cole, Fletcher, Foscue, Garth, Gilbreath, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Laughinghouse, Lindsey, Martin, McCall of Choctaw, Nelms, Payne, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd, Vest, Walker of Mobile, Watkins and Webb, of the House of Representatives—47.

Those who voted for Mr. Bugbee, are:

Messrs. Acklen, Cocke, Crenshaw, McLemore and Powell of the Senate; and Messrs. Agee, Belser, Bishop, Burnett, Camp, Cowan, Cook, Creagh, Ervin of Wilcox, Foreman, Gillam, Goodin, Hall, Inge, Irwin of Walker, Jay, Lawrence of Choctaw, Lawrence of Shelby, Meek, Owen, Phillips, Robinson, Scott, Sterritt and Yeldell of the House of Representatives—30.

Those who voted for Mr. Cato, are:

Messrs. President, Bethea, Blake, Bradford, Brindley, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Searcy and Woodward of the Senate; and Messrs. Speaker, Alldredge, Bell, Brown, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Fox, Gordy, Hays, Johnson, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Odom, Reynolds, St. John, Talbert, Thornton, Weaver, Whitsitt, Wills and Yelverton of the House of Representatives—46.

#### FOURTH BALLOT.

Those who voted for Mr. Keyes, are:

Messrs. Ashley, Baker, Clanton, Frazier, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Allen, Belser, Benners, Carroll, Cole, Cowan, Cook, Fletcher, Foreman, Garth, Gilbreath, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Judge, Laughinghouse, Lindsey, Martin, McCall of Choctaw, Nelms, Payne, Phillips, Pickett, Rhodes, Rutherford, Sanford, Shelly, Todd, Walker of Mobile, Watkins, Webb and Yeldell, of the House of Representatives—53.

Those who voted for Mr. Bugbee, are:

Messrs. Acklen, Cocke, Crenshaw and Powell, of the Senate; and Messrs. Agee, Bishop, Brown, Camp, Ervin of Wilcox, Goodin, Hall, Lawrence of Cherokee, Lawrence of Shelby, Meek, Owen, Robinson and Sterritt, of the House of Representatives—17.

Those who voted for Mr. Cato, are :

Messrs. President, Bethea, Blake, Bradford, Brindley, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Searcy and Woodward, of the Senate ; and Messrs. Speaker, Alldredge, Bell, Burnett, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Fox, Gordy, Hays, Irwin of Walker, Johnson, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Odom, Reynolds, Scott, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—50.

#### FIFTH BALLOT.

Mr. Bugbee withdrawn.

Those who voted for Mr. Keyes, are :

Messrs. Acklen, Ashley, Baker, Clanton, Cocke, Crenshaw, Frazier, Hewlett, Jemison, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate ; and Messrs. Abercrombie, Allen, Belser, Benners, Calhoun, Carroll, Cole, Cowan, Cook, Creagh, Fletcher, Foreman, Garth, Gilbreath, Gillam, Hall, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, Martin, McCall of Choctaw, Meek, Nelms, Payne, Phillips, Pickett, Rhodes, Robinson, Rutherford, Sanford, Shelly, Todd, Walker of Mobile, Watkins, Webb and Yeldell, of the House of Representatives—66.

Those who voted for Mr. Cato, are :

Messrs. President, Bethea, Blake, Bradford, Dickinson, Hendricks, Hobdy, E. P. Jones, Kelly, Peterson, Powell, Searcy and Woodward, of the Senate ; and Messrs. Speaker, Agee, Alldredge, Bell, Bishop, Brown, Burnett, Camp, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foscue, Fox, Gordy, Greene, Hays, Irwin of Walker, Jay, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Owen, Odom, Reynolds, Scott, Sterritt, St. John, Talbert, Thornton, Vest, Weaver, Whitsitt, Wills and Yelverton, of the House of Representatives—58.

Mr. Keyes having received a majority of the whole number of votes given, Mr. Speaker, declared him duly and constitutionally elected a chancellor for the southern division of Alabama, for the term prescribed by the constitution.

The Senate withdrew to their chamber, and the House then adjourned until this evening, at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The bills :

To change the time of holding the regular sessions of the general assembly of the State of Alabama ;

Authorising the probate judge of Lowndes county to order a special election for commissioners of roads and revenue; were severally read the second time and ordered to a third reading on to-morrow;

To exempt practising physicians from road duty; was read a second time and referred to the Committee on Roads, Bridges and Ferries;

To change the time of holding the general elections and of the general assembly; was read a second time, and, on motion of Mr. Hubbard, ordered to lie on the table.

Mr. Meek, from the Select Committee composed of the delegation from Mobile, to whom was referred a bill to regulate the system of public schools in the county of Mobile, reported back said bill with amendments.

Said amendments were adopted.

Mr. Percy Walker moved to amend said bill by striking out the words "or to any that is under sectarian influence or control," when the same appears in the second section.

Said amendment was lost.

Mr. Percy Walker then moved to amend said bill by striking out the words "they shall also forfeit the sum of five hundred dollars," where the same appears in section four, down to the word "commissioners," inclusive, in same section.

Said amendment was lost.

The bill as amended was then ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran, from the Select Committee to whom was referred the bill to incorporate the Eufaula Plank Road Company, reported the same back without amendment.

Said bill was read and ordered to a third reading on to-morrow.

Mr. Pickett, from the Select Committee to whom was referred the bill to amend an act incorporating the town of Moulton, in Lawrence county, reported the same back without amendments.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Lindsey, from the Special Committee to whom was referred the bill to change the time of holding the circuit courts of the fourth judicial circuit of the State, reported back a substitute therefor.

Said substitute was adopted, and the bill as amended was then ordered to be engrossed for a third reading on to-morrow.

The bills:

To establish an election precinct in the county of Marion, and for other purposes; was read the second time and ordered to be engrossed for a third reading on to-morrow;

To authorise the citizens of Mobile to sell their property at public sale in the city of Mobile, and for other purposes; was read the second time.



Mr. Percy Walker moved to lay said bill on the table.

Said motion was lost.

The bill was then referred to the Committee on Ways and Means.

The bill to repeal in part an act entitled an act approved 9th February, 1852, to amend an act approved 12th February, 1850, to authorise and regulate the business of banking, was read the second time and referred to the Committee on Banks and Banking;

To establish a fourth chancery division; was read the second time and referred to the Select Committee raised for the purpose of revising the chancery system of the State;

To repeal, alter and amend certain sections of the code relative to attachments; was read the second time and referred to the Committee on the Judiciary;

To authorise the judges of the supreme court to require the printing of the record of causes before the court; was read the second time and referred to the same committee;

To increase the pay of commissioners of revenue and roads; was read the second time and referred to the Committee on Retrenchment;

To alter and modify certain sections of the code therein mentioned;

To repeal a part of section 2768 of the code;

To define the payment of costs in certain cases;

To regulate the cost of constables;

To amend section 2495 of the code, and to prevent the sale of equitable interests and the shares of distributees before settlement under execution;

Authorising the sale of personal property for the purpose of making distribution;

To authorise Louis Alexander, judge of probate in Macon county, to act as guardian for certain minors therein named;

To amend the law of and to regulate the proceedings in admiralty in Alabama;

Declaratory of the powers of jurors in criminal cases;

The bill in relation to the prosecution of cases of assault, and assault and battery;

The Senate bill to repeal the 3439th section of the Code on the subject of the qualification of jurors as relates to their ability to read and write;

The bill to amend section 2824 of the Code of Alabama;

The bill to amend section 3172 of the Code;

The bill in relation to the punishment of criminals in certain cases.

Said bills were severally read the second time and referred to the Committee on the Judiciary.

The bill requiring the apportioners of the different road dis-

tricts in Pickens county to appoint overseers, and for other purposes therein named, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

The bill to be entitled an act to alter the commencement of the fall term of the circuit court in the eighth circuit, for the purpose of allowing an additional week for the county of Pike;

The bill to appoint additional surveyors in certain cases;

The bill to attach David Seabors to precinct No. 1;

The bill to increase the compensation of grand, petit and tales jurors of the county of Macon;

The bill to be entitled an act to authorise the clerk or sheriff of Coffee county to take bonds, &c.

Said bills were severally read and ordered to be engrossed for a third reading on to-morrow.

The bill to amend an act approved 1st March, 1848, entitled an act to incorporate Oak Hill Academy, in the county of Wilcox, was read the second time and referred to the Committee on Corporations.

The Senate bill to divide the counties of Choctaw and Jefferson into road districts, and for other purposes—was read the second time and referred to a select committee composed of the delegations from Choctaw and Jefferson.

The bill to protect travellers and wayfaring men, was read the second time and referred to the Committee on Corporations.

The joint resolutions proposing amendments to the constitution, was read the second time and referred to the Committee on the Judiciary.

The bill to be entitled an act to aid the Southern Military Academy of Chambers county, Alabama, was read the second time and referred to the Committee on the Military.

The bill to change the time of holding the courts of the first judicial circuit, and for other purposes therein named, was read the second time and referred to a select committee composed of the delegations from the counties of Coosa, Autauga and Bibb.

The bill for the benefit of the tax assessors of Dale county, was read the second time and referred to the Committee on Ways and Means.

A bill to explain a certain law therein named, was read the second time and referred to the same committee.

Mr. Speaker laid before the House an invitation from the Grand Lodge of Alabama to the House to attend upon the occasion of the annual oration to be delivered before said body on to-morrow at 11 o'clock.

Mr. Percy Walker moved that a committee of three be appointed to reply to said invitation, and to respectfully decline the same.

Said motion prevailed, and Messrs. Percy Walker, Hubbard and Cochran were appointed said committee.

Mr. Lindsey, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills, to whom was referred an act to incorporate the Mobile Transportation and Insurance Company, examined the same and instruct me to report the same as being correctly enrolled.

The House then adjourned until to-morrow at 10 o'clock.

THURSDAY, December 8, 1853.

The House met pursuant to adjournment.

Mr. Curry moved that when the House adjourned it meet again this evening at 3 o'clock.

Said motion was lost.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the Committee on Divorce and Alimony.

Mr. Speaker announced the following committee under the resolution adopted by the House, to make all necessary arrangements for the inauguration of the Governor elect, to wit: Messrs, Meek, Weaver, Lindsey and Cowan.

Mr. Weaver introduced a bill to authorese James A. Perdue to remove the property of his ward to the State of Texas, and for other purposes therein mentioned.

Mr. Ward introduced a bill to be entitled an act for the relief of Abel Echols of Dale county.

Mr. Yelverton introduced a bill to be entitled an act to extend the time for recording deeds, and for establishing lost deeds or records or other papers in Coffee county, and for other purposes.

Mr. Lindsey introduced a bill to be entitled an act to incorporate the Colbert Shoal Navigation Company.

Mr. Newman introduced a bill to be entitled an act to regulate the practice in justices' courts.

Mr. Inge introduced a bill to provide for the attendance of slaves as witnesses, and the compensation of their owners.

Mr. Benners introduced a bill for the relief of Haywood H. Hunter.

Mr. Abercrombie introduced a bill to enlarge section 2175 of the Code.

Mr. Payne introduced a bill to be entitled an act to authorise Mrs. Mary Marshall, administratrix of Abram Marshall, deceased, to sell certain real estate therein named.

Mr. Johnson introduced a bill authorising the probate court to order a division or sale of property owned by minors.

Mr. Sterritt introduced a bill to be entitled an act exempting the citizens of the town of Montevallo from working on the public roads, except within the corporate limits thereof.

Mr. Irwin of Walker introduced a bill to be entitled an act to repeal an act therein named.

Also, a bill to be entitled an act to repeal an act therein named.

Also, a bill to be entitled an act to repeal an act therein named. Mr. Gordy introduced a bill to be entitled an act to establish the boundary line between the counties of Mobile and Washington, and for other purposes.

Mr. Cochran introduced a bill to be entitled an act for the protection of minors and lunatics.

Mr. Comer introduced a bill to be entitled an act to compensate returning officers of elections.

Said bills were severally read the first time and ordered to a second reading on to-morrow.

Mr. Fletcher introduced a bill to be entitled an act to incorporate the Beards' Bluff and Elyton Rail Road Company; which was read a first and second time under a suspension of the rule, and referred to the Committee on Internal Improvement.

Mr. Henry introduced a bill to be entitled an act to repeal a certain provision in an act approved 9th February 1850, incorporating the Pickens Guards.

Said bill was read three times forthwith, under a suspension of the rule, and passed.

Mr. Johnson introduced a bill to be entitled an act to incorporate the Georgia, Alabama and Memphis Rail Road Company.

Said bill was read a first and second time forthwith under a suspension of the rule and referred to the Committee on Internal Improvement.

Mr. Phillips presented the memorial of J. W. Lapsley and others, which was referred to the Committee on the Judiciary.

Mr. Owen moved to suspend the call of the counties to offer a resolution.

Said motion prevailed.

Mr. Owen then offered the following resolution, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to inquire into the propriety of increasing the salaries of the chancellors and other judicial officers of the State of Alabama, and the amount to which said salaries should be raised, and report by bill or otherwise.

Mr. Phillips presented the petition of Kate Young Wood and other ladies of Dallas county, for an anti-liquor law.

Also, the petition of Lizzie Burnett and other ladies of Dallas county, for an anti-liquor law.

Also, the petition of Virginia Brewer and other ladies of Dallas county, for an anti-liquor law.

Mr. Newman presented the petition of E. F. Gaggin and sixty other citizens of Dallas county, for an anti-liquor law.

Mr. Cook presented the petition of citizens of Lowndesboro', in Lowndes county, for a law to prohibit the retail of liquor within three miles of the town.

Also, the petition of the citizens of Lowndes and Butler for an anti-liquor law.

Mr. Cowan presented the petition of the administrator of C. S. Jones, deceased; referred to the Committee on the Judiciary, with instructions to report by bill or otherwise.

Mr. Judge moved to suspend the call of the counties in order for Mr. Camp to offer a resolution.

The motion prevailed.

Mr. Camp then offered the following preamble and resolution:

WHEREAS, it is not good or profitable for a State to support and maintain a useless and idle population, with habits not congenial with such as should characterize a thrifty and go-ahead people; and, whereas, there are a large class of old bachelors inhabiting our State, enjoying the protection of its laws and social institutions, and yet selfishly excluding themselves from the duties of good citizens, all of which is viewed by this General Assembly to be, if not contrary to public morals, at least against the well-being of society and in conflict with public policy; for remedy whereof, be it

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of levying such tax upon bachelors between the years of twenty-five and fifty-five, and widowers over and above three years standing and under fifty-five years of age, as will effectually promote the public interest in the premises.

Mr. Greene moved to lay said motion on the table.

Said motion was lost.

\* The resolution was then adopted.

Mr. Foscue offered joint resolutions requiring the secretary of state to file and preserve for the use of the State, at least one hundred copies of the official reports of the State officers, and other State papers, if so many can be procured.

Said resolutions were read and ordered to a second reading on to-morrow.

Mr. Foscue also presented the account of B. Bruce; referred to the Committee on Accounts.

Mr. Henry presented the petition of Margaret A. McKinsey and other ladies of Pickens county, for an anti-liquor law.

Mr. Johnson presented the petition of H. A. Benson and forty-one other voters of Pickens county, for an anti-liquor law.

Said petitions were severally referred to the Committee on Temperance.

Mr. McBryde presented the petition of John Hancock and others; referred to a select committee composed of the delegations from Montgomery and Pike counties.

Mr. Calhoun presented the petition of the students of Grafenburg Medical Institute; referred to the Committee on Propositions and Grievances.

Also, the petition of John R. Bellop and sixty others of Russell county, for an anti-liquor law; referred to the Committee on Temperance.



Also, the petition of three hundred and ninety citizens of Tallapoosa and other counties in behalf of the Grafenburg Medical Institute; which was referred to the Committee on Propositions and Grievances.

Mr. William P. Davis presented the petition of Catharine Pelham and other ladies of White Planes, for an anti-liquor law.

The following message was received from his Excellency the Governor, by Mr. Harrison:

Mr. Speaker: The Governor has approved the following bill, which originated in the House: An act to amend the city charter of Mobile.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for that hour.

Mr. Hubbard moved to suspend all prior orders, to enable committees to report.

Said motion prevailed.

Mr. Alldredge moved to take from the table the resolution offered on yesterday, proposing amendments to the rules of the House. Said resolution is as follows:

In order to obviate difficulty, prevent confusion, and facilitate reports from standing committees, therefore

*Resolved*, That after the call of the counties, (or if the call be dispensed with for that purpose,) standing committees shall be called on each day by the chair, in the order in which they stand reported to this House, and in case the call should not be completed by the hour of 12 o'clock, the Speaker shall commence the next day where he left off, and so on until all of the committees shall have been called.

Mr. Shelly moved to amend said resolution by making reports of select committees first in order on Monday morning of each week, and reports of standing committees first in order on Saturday morning of each week.

Said amendment was lost.

Said resolution was then adopted.

Mr. Watkins, from the Committee on the Judiciary, to whom was referred a bill to be entitled an act to amend an act supplementary to the Code, approved 9th February, 1852; and a bill to be entitled an act to amend section 185 of the Code of Alabama, and for other purposes, reported back a substitute therefor.

Said substitute was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Percy Walker, from the same committee, to whom was referred a bill to repeal section 3249 of the Code, and for other purposes, reported the same back, amended by way of substitute.

Said substitute was adopted.

Mr. Percy Walker moved to amend said bill by adding to the end of the fourth section of the same the following: "provided

such defendants shall consent, and if they shall refuse, then such cases are to be tried and punished as prescribed by the laws now in force on that subject."

Said amendment was adopted.

Mr. Carroll moved to amend the second section of said bill by inserting the words "farro banks," after the words "or gambling table," in said section.

Said amendment was adopted.

Mr. Inge moved to amend the second section of said bill by striking out the words "twelve months," and insert "six months" in lieu thereof.

Said motion was lost.

Mr. Belser moved to amend said bill by inserting between the words "months" and "at," next to the last line of said section, the words "or in the penitentiary one year."

Said motion was adopted.

Mr. Martin moved to strike out the first section of the bill.

Mr. Ervin of Wilcox moved to amend the second section of the bill by adding to said section the following: "that in case of conviction, one-half of the said fine shall go to the informant, who shall be a competent witness."

Said amendment was lost.

The question then recurred on the motion of Mr. Martin to strike out, and the yeas and nays were demanded.

Said amendment was lost—Yeas 15, nays 65.

Those who voted in the affirmative are:

Messrs. Alldredge, Benners, Foreman, Foscue, Hall, Hanserd, Hubbard, Martin, McCall of Choctaw, Meek, Newell, Newman, Rhodes, Scott and Thornton—15.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Bishop, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Garth, Gilbreath, Gillam, Goodin, Gordy, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Odom, Owen, Payne, Pickett, Robinson, Rutherford, Sanford, Shelly, St. John, Sterritt, Talbert, Vest, Walker of Mobile, Ward, Weaver, Webb, Wills, Yeldell and Yelverton—65.

Mr. Martin moved to amend said bill by adding to the end of the fourth section the following: "provided that nothing herein contained shall be so construed as to alter in any respect the liability of those who may have been guilty of a violation of this law hereby repealed;" and the yeas and nays were demanded.

Said motion was lost; yeas 25, nays 56.

Those who voted in the affirmative are:

Messrs. Speaker, Alldredge, Allen, Benners, Clifton, Foscue,

Hall, Hanserd, Hubbard, Jay, Johnson, Laughinghouse, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Newman, Rhodes, Scott, Shelly, Sterritt, Thornton and Whitsitt—25.

Those who voted in the negative are:

Messrs. Abercrombie, Bell, Belser, Bishop, Carroll, Calhoun, Cochran, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Fox, Garth, Gilbreath, Gillam, Goodin, Gordy, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Humphreys, Inge, Irwin of Walker, Judge, Lawrence of Choctaw, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Musgrove, Nelms, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, St. John, Talbert, Vest, Walker of Mobile, Ward, Watkins, Webb, Wills, Yeldell and Yelverton—56.

Mr. Cochran moved to reconsider the vote just taken; pending which the House adjourned until to-morrow morning at 10 o'clock.

THURSDAY, December 9, 1853.

The House met pursuant to adjournment.

The following message was received from the Senate:

Mr. Speaker: The Senate concurs in the amendments made by the House to the bill to incorporate the N. E. and S. W. Rail Road Company.

Mr. Belser moved to suspend the call of the counties to enable committees to report.

Said motion prevailed.

Mr. Speaker laid before the House a message from his Excellency the Governor, transmitting the biennial report of the trustees of the University, which, on motion of Mr. Martin, was laid on the table, and five hundred copies ordered to be printed.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the Committee on Divorce and Alimony.

The senate bill.

To amend the charter of the bank of Mobile, on motion of Mr. Percy Walker was read three times under a suspension of the constitutional rule, and passed.

The Senate bill to be entitled an act to incorporate the Tennessee and Alabama Central Rail Road, was read the first time, and on motion of Mr. Martin the constitutional rule was suspended, and the said bill was read a second time forthwith and referred to the Committee on Internal Improvement.

Senate bills:

For the relief of John Rudolph of Covington County;

Relating to the burnt records of Butler county;

For the relief of James May, of the county of Pike; were severally read the first time and ordered to a second reading.

The bill to authorise the judge of the second judicial circuit, or such other judges as he may procure, to hold a special term of the court for the county of Dallas, was read, and on motion of Mr. Phillips was indefinitely postponed.

The memorial from the Senate of the general assembly of the State of Alabama to the Congress of the United States, asking an appropriation for improving the navigation of the Mobile bay, was read and adopted.

The preamble and joint resolutions from the Senate, asking the legislature of the State of Mississippi to grant to the president and directors of the Memphis and Charleston Rail Road the right of way through a portion of said State, were read and adopted.

The Senate bill to amend the Code of Alabama, in relation to township schools, was read, and on motion of Mr Meek the constitutional rule was suspended, and the said bill was read a second time forthwith and referred to the Committee on Education.

The Senate bills:

To be entitled an act to change the time of taking up the State docket for Montgomery county;

To regulate the fees of the judge of probate of Montgomery county.

To authorise the court of county commissioners of Cherokee county to make settlement with the Building Committee of the town of Centre, and for other purposes;

To regulate the sale of spirituous liquors upon the waters of the Tennessee river, within one mile of Brown's ferry;

For the relief of Wm. M. Jones of Montgomery county.

To authorise the Governor to issue a land patent to Alfred Griffin of Jefferson county; were severally read the first time, and ordered to a second reading on to-morrow.

The joint resolution from the Senate, proposing amendments to the constitution in relation to the election of attorney general and solicitors, was read and ordered to a second reading on to-morrow.

The House then resumed the consideration of the substitute reported by the Committee on the Judiciary, entitled an act to repeal section 3249, and part of section 397 of the Code of Alabama, and for other purposes.

Mr. Cochran withdrew his motion to reconsider the vote just taken on the motion made by Mr. Martin to strike out the two first sections of the bill.

Mr. Watkins moved to amend said bill by inserting after the fourth section the following:

SEC. 5. *And be it further enacted*, That this act shall in no wise be construed as to prevent the indictment of any person who may have violated the provisions of said section 3248 of the Code of Alabama, and that all persons so indicted shall be tried in the same manner, be entitled to the same privileges, and liable to the same penalties as are herein prescribed for the punishment of any persons against whom indictments are now pending.

Said amendment was adopted.

The hour of 11 o'clock having arrived, Mr. Cochran moved to suspend all prior orders in order to dispose of the bill under consideration. Said motion prevailed.

Mr. Jay offered the following amendment to said bill, which was lost:

SEC. —. *Be it further enacted*, That in cases where a fine is assessed under the provisions of this act, the person against whom such fine is assessed shall not have the benefit of section No. 3625 of the Code. But for failure to pay such fine and costs, the defendant must be imprisoned in the penitentiary as follows: if the fine is three hundred dollars, six months, and one month for each additional hundred dollars.

Mr. Cochran moved to amend said bill as follows:

SEC. —. *Be it further enacted*, That this act shall not be so construed as to subject keepers of pool tables, for which a liscence is now in existence, to indictment before the expiration of the liscence.

Said amendment was adopted; and the bill as amended was ordered to be engrossed for a third reading on to-morrow.

#### SPECIAL ORDERS.

The House then resumed the consideration of the special order, it being the resolution offered by Mr. L. P. Walker, on the subject of internal improvement;

And the amendment of the same proposed by Mr. Humphreys.

Mr. Percy Walker moved to amend said resolution by way of substitute, as follows:

*Resolved*, That the Committee on Internal Improvement be instructed to report a bill providing for the construction of a rail road, having a guage of five feet, from some point on the proposed North-east and South-west Rail Road, at or near the town of Elyton to a point on the Tennessee river, to be selected by a commission composed of three persons, to be appointed by the Governor. Said selection to be made after thorough surveys by competent engineers.

*Resolved further*, That the said bill shall authorise the issuance of the bonds of the State to an amount sufficient to build said road. Said bonds to be issued as the work on the said road may require.

*Resolved further*, That said committee be also instructed to report a bill authorising the loan of the moneys and securities in the State treasury not otherwise appropriated to the Memphis and Charleston, Mobile and Ohio, Selma and Tennessee, and the North-east and South-west Rail Road Companies, in equal proportions on satisfactory security being given by said companies. Pending which the House took a formal recess until five minutes before 12 o'clock, m.

Mr. Henry moved that when the House adjourn it meet again at 3 o'clock this afternoon.

The motion was lost.

Mr. Foscue offered a resolution proposing to amend the rules of the House, which was ordered to lie over under the rule.



Mr. Meek offered a report and resolution from the Alabama State Teachers' Association; which was referred to the Committee on Education.

Mr. Greene offered the following resolution, which was adopted:

*Resolved*, That the Committee on Ways and Means be instructed, and they are hereby instructed to inquire into the expediency of taxing slave property according to value, and if deemed expedient to report a bill to that effect.

Mr. Alldredge offered the following resolution, which was adopted:

*Resolved*, That the Committee on the Military be instructed to inquire into the expediency of repealing that portion of the military code adopted at the last session of the general assembly, which requires the Governor of the State to review the militia thereof, and provides a fund for the payment of the expenses of the same, with leave to report by bill or otherwise.

Mr. Gilbreath presented the petition of Robert S. Pierce and Mary Pierce, for the repeal of an act therein named, and for other purposes; referred to the Committee on Roads, Bridges and Ferries.

Mr. St. John offered joint resolutions to amend the constitution of the State; which were read and ordered to a second reading on to-morrow.

Mr. Watkins offered the following resolution, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether any legal or constitutional provision exists in this State, authorising the treasurer and comptroller of public accounts of said State to hold their offices for a longer term than one year, and should said committee determine that said officers hold their offices for one year only, that it report to this House such recommendations for the action of this House upon the subject as it thinks advisable.

Leave of absence was granted to Messrs. Payne and Farrior.

The hour of 12, m., having arrived, the Senate by invitation, appeared within the hall of the House, when the two Houses in convention proceeded to the election of a Secretary of State. The names of Robert W. Higgins, John H. Caldwell, and Vincent M. Benham being in nomination.

Those who voted for Mr. Higgins are:

Messrs. Bradford, Frazier, Hobdy Lamar, Lee and Powell of the Senate; and Messrs. Speaker, Alldredge, Bishop, Brown, Camp, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Gillam, Goodin, Gordy, Greene, Henry, A. Holly, Humphreys, Lawrence of Shelby, Lindsey, Meek, Murphy, Newell, Owen, Phillips, Scott, Shelly, Sterritt, Vest and Whitsitt—37.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Jemison, Kelly, Searcy, Webb and Woodward of the

Senate; and Messrs. Agee, Allen, Bell, Burnett, Clifton, Cochran, W. P. Davis, Fox, Garth, Hall, Hays, Martin, McBryde, McCall of Barbour, Newman, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Ward, Weaver, Wills and Yelverton—36.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Malone, McLemore, Patton and Watts of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Findley, Gilbreath, Hanserd, Hill, R. H. J. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Todd, Watkins, Webb and Yeldell—47.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a second time.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Brindley, Frazier, Lamar, Lee and Powell of the Senate; and Messrs. Speaker, Alldredge, Bishop, Brown, Camp, Comer, Cowan, Cooke, Curry, Fletcher, Foreman, Goodin, Gordy, Greene, A. Holly, Humphreys, Johnson, Lawrence of Shelby, Meek, Murphy, Musgrove, Newman, Owen, Phillips, Reynolds, Scott, Shelly, Sterritt and Vest—36.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Dickinson, Hendricks, Jemison, Kelly, Searcy, Webb and Woodward, of the Senate; and Messrs. Agee, Allen, Bell, Burnett, Clifton, Cochran, W. P. Davis, Foscue, Fox, Garth, Hall, Hays, Lindsey, Martin, McBride, McCall of Barbour, Newell, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton of the House—37.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw H. C. Jones, Malone, McLemore, Patton and Watts of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Findley, Gilbreath, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, Hubbard, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Nelms, Odom, Pickett, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell of the House—44.

Neither of the candidates having received a majority, the two Houses proceeded to a third ballot.

Those who voted for Mr. Higgins are:

Messrs. Bradford, Brindley, Frazier, Hobdy, Lamar, and Powell, of the Senate; and Messrs. Alldredge, Bishop, Brown, Camp, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Goodin, Greene, A. Holly, Humphreys, Lawrence of Shelby, Meek, Murphy, Newman, Owen, Reynolds, Scott, Shelly, Sterritt and Vest, of the House—31.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Dickinson, Hendricks, Searcy, Webb and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Burnett, Clifton, Cochran, J. W. Davis, W. P. Davis, Findley, Fox, Garth, Gordy, Hall, Hays, Martin, McBryde, McCall of Barbour, Musgrove, Newell, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House—38.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, Jemison, E. P. Jones, H. C. Jones, Kelly, Lee, Malone, McLemore, Patton and Watts, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Lindsey, Nelms, Odom, Phillips, Pickitt, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell of the House—50.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fourth time,

The name of Mr. P. H. Brittan being also in nomination.

Those who voted for Mr. Higgins are:

Messrs. Bradford, Frazier, Hobdy and Lamar, of the Senate; and Messrs. Alldredge, Bishop, Brown, Comer, Cowan, Cook, Creagh, Curry, Fletcher, Foreman, Foscue, Goodin, Greene, A. Holly, Humphreys, Lawrence of Shelby, Meek, Murphy, Newell, Newman, Owen, Reynolds, Scott, Shelly, Sterritt and Vest, of the House—30.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward of the Senate; and Messrs. Agee, Allen, Bell, Burnett, Clifton, Cochran, W. P. Davis, Fox, Garth, Gilbreath, Gordy, Hanserd, Hays, Martin, McBryde, McCall of Barbour, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Whitsitt and Wills, of the House—32.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, Patton, Watts and Woodward of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, J. W. Davis, Findley, Gillam, Henry, R. H. J. Holly, Horn, Hubbard, Inge, Irvin of Walker, Jay, Judge, Johnson, Laughinghouse, Lawrence of Fayette, McCall of Choctaw, Nelms, Phillips, Pickett, Rhodes, Rutherford, Thornton, Ward, Watkins, Webb and Yeldell, of the House—43.

Those who voted for Mr. Brittan, are:

Messrs. Kelly, McLemore and Powell of the Senate; and Messrs. Camp, Hill, Hall, Lawrence of Cherokee, Lindsey, Todd, Weaver and Yelverton, of the House—12.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fifth time.

The name of Mr. Brittan was withdrawn.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier, Hobdy, E. P. Jones, H. C. Jones, Kelly, Lamar and Powell, of the Senate; and Messrs. Alldredge, Bishop, Camp, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Goodin, Greene, Henry, Humphreys, Lawrence of Shelby, Meek, Murphy, Newell, Newman, Owen, Shelly, Sterritt and Vest, of the House—30.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Clifton, Cochran, W. P. Davis, Fox, Garth, Gilbreath, Gordy, Hall, Hays, Lindsey, Martin, McBryde, McCall of Barbour, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver Whitsitt, Wills and Yelverton, of the House—37.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, J. W. Davis, Findley, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickitt, Reynolds, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House—50.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a sixth time.

Those who voted for Mr. Higgins, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward, of the Senate; and Messrs. Alldredge, Bishop, Comer, Cowan, Cook, Curry, Fletcher, Foreman, Foscue, Gilbreath, Goodin, Greene, Humphreys, Lawrence of Shelby, Meek, Murphy, Newman, Scott, Shelly, Sterritt and Vest, of the House—27.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, W. P. Davis, Fox, Garth, Gordy, Hall, Henry, Lindsey, Martin, McBryde, McCall of Barbour, Newell, Owen, Reynolds, Robinson, Sanford, St. John, Talbert, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House—39.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate;

and Messrs. Abercrombie, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Findley, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horne, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House—51.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a seventh time.

Those who voted for Mr. Higgins, are :

Messrs. Bradford, Frazier, Hobdy and Lamar, of the Senate; and Messrs. Bishop, Comer, Cowan, Curry, Findley, Foreman, Foscue, Goodin, Greene, Humphreys, Lawrence of Shelby, Meek, Murphy, Newman, Scott, Shelly, Sterritt, Vest and Walker of Mobile, of the House—23.

Those who voted for Mr. Caldwell, are :

Messrs. Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Jemison, Kelly, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Cook, W. P. Davis, Fox, Garth, Gordy, Hall, Hays, Lindsey, Martin, McBryde, McCall of Barbour, Newell, Owen, Robinson, Sanford, St. John, Talbert, Weaver, Whitsit, Wills and Yelverton of the House—42.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Fletcher, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Judge, Johnson, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Todd, Ward, Watkins, Webb and Yeldell, of the House—53.

Neither of the candidates having received a majority, the two Houses proceeded to ballot an eighth time.

Those who voted for Mr. Higgins, are :

Messrs. Bradford, Hobdy and Lamar, of the Senate; and Messrs. Bishop, Cowan, Cook, Curry, Foscue, Goodin, Humphreys, Johnson, Lawrence of Shelby, Meek, Murphy, Newman, Scott, Shelly, Sterritt, Vest, Walker of Mobile, and Weaver, of the House of Representatives—21.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Jemison, Kelly, Powell, Searcy and Woodward of the Senate; and Messrs. Speaker, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Foreman, Fox, Garth, Gordy, Hall, Hays, Lindsey, Martin, McBryde, McCall of Bar-



bour, Newell, Owen, Robinson, Sanford, St. John, Talbert, Whittsitt, Wills and Yelverton of the House—41.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, H. C. Jones, E. P. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Fletcher, Gilbreath, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell, of the House—52.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a ninth time.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier and Lamar, of the Senate; and Messrs. Bishop, Cowan, Cook, Curry, J. W. Davis, Findley, Foscue, Goodin, Greene, Humphreys, Lawrence of Shelby, Meek, Murphy, Shelly, Sterritt, Vest and Weaver, of the House of Representatives—20.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Kelly, Powell and Woodward, of the Senate; and Messrs. Speaker, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Fox, Garth, Gordy, Hall, Hays, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Ward, Watkins, Webb and Yeldell, of the House of Representatives—41.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Fletcher, Foreman, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Ward, Watkins, Webb and Yeldell, of the House of Representatives—54.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a tenth time.

The name of Mr. Higgins was withdrawn.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Bradford, Brindly, Dickinson, Frazier, Hendricks, Hobdy, Jemison, Kelly, Powell,

Searcy and Woodward, of the Senate; and Messrs. Speaker, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, Cowan, Curry, W. P. Davis, Findley, Foreman, Foscue, Fox, Garth, Gordy, Green, Hall, Hays, Humphreys, Lindsey, Martin, McBryde, McCall of Barbour, Meek, Murphy, Newell, Newman, Owen, Robinson, Sanford, Scott, St. John, Sterritt, Talbert, Vest, Walker of Mobile, Weaver Whitsitt, Wills and Yelverton, of the House of Representatives—58.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Bishop, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Fletcher, Gilbreath, Gillam, Goodin, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Owen, Phillips, Pickett, Reynolds Rhodes, Rutherford, Shelly, Thornton, Ward, Watkins, Webb and Yeldell, of the House—58.

Mr. Bethea moved that the convention adjourn until to-morrow morning at 10 o'clock, and the yeas and nays were demanded.

The motion was lost. Yeas 38, nays 68.

Those who voted in the affirmative are:

Messrs. Allen, Bishop, Brown, Cowan, Cook, Fletcher, Foscue, Gilbreath, Greene, Hall, Hays, Hubbard, Humphreys, Martin, McBryde, Pickett, Reynolds, Rhodes, Rutherford, Sanford, Scott, Shelly, Walker of Mobile, Ward, Weaver, Webb and Yelverton.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Alldredge, Bell, Belser, Benners, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Creagh, Curry, J. W. Davis, W. P. Davis, Findley, Fox, Gillam, Goodin, Gordy, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Irwin of Walker, Jay, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Phillips, Robinson, St. John, Sterritt, Talbert, Thornton, Vest, Ward, Whitsitt and Yeldell.

Mr. Greene put the name of Robert W. Higgins in nomination again.

Mr. Lindsey moved that the committee adjourn until to-morrow morning at 10 o'clock, and the yeas and nays were demanded.

Said motion prevailed. Yeas 59, nays 54.

Those who voted in the affirmative, are:

Messrs. Speaker, Allen, Belser, Bishop, Brown, Camp, Cochran, Cole, Comer, Cowan, Cook, Curry, Hatcher, Findley, Foreman, Foscue, Gilbreath, Gillam, Goodin, Gordy, Greene, Hall, Hays, A. Holly, Humphreys, Lawrence of Shelby, Lindsey, Martin,

McBryde, McCall of Barbour, Meek, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Phillips, Reynolds, Rhodes, Scott, Shelly, St. John, Thornton, Vest, Walker of Mobile, Weaver, Webb, Wills and Yelverton.

Those who voted in the negative are:

Messrs. Abercrombie, Agee, Alldredge, Bell, Benners, Burnett, Calhoun, Carroll, Clifton, Creagh, J. W. Davis, Fox, Hanserd, Henry, Hall, R. H. J. Holly Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Owen, Pickett, Robinson, Rutherford, Sanford, Sterritt, Talbert, Ward, Wilkins, Whitsitt and Yeldell.

The Senate withdrew to their chamber, and the House then adjourned until to-morrow morning at 10 o'clock.

SATURDAY, December 10, 1853.

The House met pursuant to adjournment.

Mr. Percy Walker moved to suspend the order of business, in order to enable him to introduce a bill.

Said motion prevailed.

Mr. Percy Walker then introduced a bill to be entitled an act in aid of rail roads in this State.

Said bill was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Internal Improvement.

Mr. Henry introduced a bill to authorize the administrators of Thomas Williams, deceased, of Pickens county to sell the real estate of said intestate on a credit of two years.

Said bill was read, and the constitutional rule being suspended, said bill was read the second and third times forthwith and passed.

The hour for resuming the election of Secretary of State having arrived, the Senate appeared within the hall of the House, when the two Houses, in convention, proceeded to the eleventh ballot.

Mr. Meek placed in nomination the name of Thomas Harrison of Lowndes.

Mr. Percy Walker placed in nomination the name of A. B. Clitherall of Pickens.

The two Houses then proceeded to ballot an eleventh time.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Kelly, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsey, Martin, McCall of Barbour, Newell, Robinson, Sanford, St. John, Talbert, Vest, Weaver, Whitsitt and Wills, of the House—39.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, E. P. Jones, H. C.

Jones, Kimball, Malone, McLemore, Patton and Watts of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Calhoun, Carroll, Cole, J. W. Davis, Fletcher, Foreman, Garth, Gibson, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odum, Owen, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell, of the House—53.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier and Lamar of the Senate; and Messrs. Bishop, Brown, Cowan, Curry, Gilbreath, Goodin, Humphreys, Murphy, Newman, Scott, Shelly and Sterritt, of the House of Representatives—15.

Those who voted for Mr. Clitherall, are:

Messrs. Bethea, Hewlett, Lee and Webb of the Senate; and Messrs. Benners, Burnett, Creagh, Henry, Thornton, Walker of Mobile, and Yelverton of the House—11.

Those who voted for Mr. Harrison, are:

Messrs. Powell of the Senate; and Messrs. Cook, McBride and Meek of the House—4.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a twelfth time.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Kelly, Powell, Searcy and Woodward of the Senate; and Messrs. Speaker, Agee, Bell, Brown, Camp, Clifton, Cochran, Comer, Ervin of Wilcox, W. P. Davis, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsey, Martin, McCall of Barbour, Newell, Newman, Owen, Robinson, Sanford, St. John, Talbert, Vest, Weaver, Whitsitt, Wills and Yelverton of the House—43.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Malone, McLemore, Patton, Watts and Webb of the Senate; and Messrs. Abercrombie, Alldredge, Allen, Belser, Benners, Calhoun, Carroll, Cole, Creagh, Fletcher, Garth, Gibson, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irvin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell of the House—54.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier, Kimball and Lamar of the Senate; and Messrs. Bishop, Cowan, Curry, J. W. Davis, Foreman, Gilbreath, Goodin, Greene, Humphreys, Murphy, Scott, Shelly and Sterritt of the House—17.

Those who voted for Mr. Clitherall, are :

Messrs. Bethea and Lee of the Senate; and Messrs. Burnett, Thornton and Walker of Mobile of the House of Representatives—5.

Those who voted for Mr. Harrison, are :

Messrs. McBryde and Meek of the House—2.

Neither of the candidates having received a majority of the votes, the two houses proceeded to ballot a thirteenth time.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Dickinson, Brindley, Hendricks, Hobdy, Jemison, Kelly, Powell, Searcy and Woodward of the Senate; and Messrs. Speaker, Agee, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Lindsey, Martin, McCall of Barbour, Newell, Newman, Owen, Robinson, Sanford, St. John, Talbert, Vest, Weaver, Whitsitt, Wills and Yelverton of the House—44.

Those who voted for Mr. Benham, are :

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Kimball, Malone, McLemore, Patton, Watts and Webb of the Senate; and Messrs. Abercrombie, Alldredge, Allen, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Fletcher, Garth, Gibson, Gillam, Hanserd, Henry, Hill, R. H. J. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell of the House of Representatives—57.

Those who voted for Mr. Higgins, are :

Messrs. Bradford and Lamar of the Senate; and Messrs. Bishop, Brown, Curry, Foreman, Gilbreath, Goodin, Greene, Hays, Humphreys, Murphy, Scott and Sterritt, of the House of Representatives—14.

Those who voted for Mr. Clitherall, are :

Messrs. Lee, of the Senate; and Messrs. Thornton and Walker of Mobile, of the House—3.

Those who voted for Mr. Harrison, are :

Messrs. Cook, McBryde and Meek, of the House—3.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fourteenth time.

Those who voted for Mr. Caldwell, are :

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsey, Martin, McCall of Barbour, Newell, Owen, Sanford, St. John, Talbert, Vest, Whitsitt, Wills and Yelverton of the House—42.



Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Aildredge, Belser, Benners, Calhoun, Carroll, Cole, J. W. Davis, Fletcher, Garth, Gibson, Gilbreath, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell, of the House—56.

Those who voted for Mr. Higgins, are:

Messrs. Bradford and Lamar, of the Senate; and Messrs. Bishop, Cowan, Creagh, Curry, Foreman, Goodin, Greene, Humphreys, Murphy, Newman, Shelly, Sterritt and Weaver, of the House of Representatives—15.

Those who voted for Mr. Clitherall, are:

Messrs. Lee, of the Senate; and Messrs. Henry, Thornton and Walker of Mobile, of the House—4.

Those who voted for Mr. Harrison, are:

Messrs. Frazier, of the Senate; and Messrs. Cook, McBryde, Meek and Scott of the House—5.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fifteenth time.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Lindsey, Martin, McCall of Barbour, Newell, Owen, Robinson, Sanford, St. John, Talbert, Vest, Weaver, Whitsitt, Wills and Yelverton, of the House—42.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Aildredge, Belser, Benners, Calhoun, Carroll, Cole, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Todd, Ward, Watkins, Webb and Yeldell, of the House—57.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier and Lamar, of the Senate; and Messrs. Bishop, Cowan, Curry, Goodin, Greene, Humphreys, Murphy, Newman, Scott, Shelly and Sterritt, of the House—14.

Those who voted for Mr. Clitherall, are:

Messrs. Lee, of the Senate; and Messrs. Creagh, Henry, Thornton, Walker of Mobile, of the House—5.

Those who voted for Mr. Harrison, are:

Messrs. Cook, McBryde and Meek, of the House—3.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a sixteenth time.

The name of Mr. Harrison was withdrawn.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Dickinson, Hendricks, Hobdy, Jemison, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Hall, Hays, Lindsey, Martin, McBryde, McCall of Barbour, Newell, Newman, Owen, Robinson, Sanford, St. John, Talbert, Vest, Walker of Mobile, Weaver, Whitsitt, Wills and Yelverton, of the House—47.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, E. P. Jones, H. C. Jones, Kelly, Kimball, Malone, McLemore, Patton, Watts and Webb of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Calhoun, Carroll, Cole, Creagh, J. W. Davis, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Shelly, Todd, Ward, Watkins, Webb and Yeldell, of the House—60.

Those who voted for Mr. Higgins, are:

Messrs. Bradford, Frazier and Lamar, of the Senate; and Messrs. Bishop, Cowan, Cook, Curry, Greene, Humphreys, Murphy, Scott and Sterritt, of the House—12.

Those who voted for Mr. Clitherall, are:

Messrs. Hewlett and Lee, of the Senate; and Messrs. Meek and Thornton, of the House—4.

Neither of the candidates having received a majority of the votes, the two houses proceeded to ballot a seventeenth time.

(Mr. Shelly moved that the convention do now adjourn until this day week at 12 o'clock, m.

Said motion was lost.)

The names of Mr. Clitherall and Mr. Higgins being withdrawn.

Those who voted for Mr. Caldwell, are:

Messrs. President, Acklen, Bethea, Blake, Brindley, Bradford, Dickinson, Hendricks, Hobdy, Powell, Searcy and Woodward, of the Senate; and Messrs. Speaker, Agee, Allen, Bell, Brown, Burnett, Camp, Clifton, Cochran, Comer, Cowan, Curry, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gordy, Greene, Hall,

Hays, Humphreys, Lindsey, Martin, McBryde, McCall of Barbour, Meek, Murphy, Newell, Newman, Owen, Robinson, Sanford, St. John, Sterritt, Talbert, Walker of Mobile, Weaver, Whitsitt, and Wills, of the House—52.

Those who voted for Mr. Benham, are:

Messrs. Ashley, Baker, Cocke, Orenshaw, E. P. Jones, H. C. Jones, Kelly, Kimball, Lee, Malone, McLemore, Patton, Watts and Webb, of the Senate; and Messrs. Abercrombie, Alldredge, Belser, Benners, Bishop, Calhoun, Carroll, Cole, Creagh, Fletcher, Garth, Gibson, Gilbreath, Gillam, Goodin, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Musgrove, Nelms, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Shelly, Thornton, Todd, Vest, Ward, Watkins, Webb and Yeldell, of the House—62.

Messrs. Frazier, of the Senate, and Cook and Scott, of the House, voted for Mr. Higgins—3.

Mr. Benham having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Secretary of State for the term prescribed by the constitution.

The Senate returned to its chamber.

A message from the Senate, by Mr. Nicholson:

Mr. Speaker: The Senate has passed a preamble and joint resolutions of the general assembly of the State of Alabama, to the general assembly of the State of Georgia.

Mr. Humphreys moved to take up the joint memorial just transmitted.

Said motion prevailed.

The memorial was then read and ordered to a second reading.

Mr. Hall introduced a bill for the relief of John T. Weaver; which was read the first time, and the constitutional rule being suspended, the bill was read the second time forthwith and referred to the Committee on Propositions and Grievances.

The House then adjourned till Monday morning, 10 o'clock.

MONDAY, December 12, 1853.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Rutherford for five days, and to Mr. Greene for ten days.

Mr. Speaker Garrett, with the permission of the House, made a personal explanation, (Mr. Curry in the chair)

Mr. W. P. Davis moved to suspend the call of the counties to offer a resolution.

Said motion prevailed.

Mr. W. P. Davis then offered the following resolution:

*Resolved*, That at the request of the Speaker, the House elect a

committee of three to examine into the charges preferred by the Alabama Journal of the 9th and 11th inst., against the Speaker and that said committee be invested with authority to call witnesses before them for that purpose.

Mr. Yelverton moved the following amendment:

*Resolved*, That the appointment of said committee be made by the present occupant of the chair, Mr. Curry.

Said amendment was adopted, and the resolution as amended was then adopted.

Messrs. Wm. P. Davis, Creagh and Alldredge were appointed said committee.

Mr. Meek then moved that the Speaker be requested to preside, notwithstanding the investigation of said committee.

Said motion prevailed.

Mr. Scott, from the select committee to divide the State of Alabama into congressional districts, reported back a bill entitled an act to divide the State of Alabama into seven congressional districts. Said bill was read, and

On motion of Mr. Foscue 133 copies were ordered to be printed for the use of the House.

Mr. Martin moved to suspend the call of the counties, to take from the orders of the day the memorial from the Senate to the legislature of the State of Georgia, praying for the right of way for a rail road through a portion of said state.

Said motion was lost.

Mr. Cochran, from the Judiciary Committee, to whom was referred a bill to repeal an act therein named, reported back a substitute therefor.

Mr. Belser moved to postpone the further consideration of said report until next Thursday, to be made the special order for that day for 11 o'clock a. m.

The motion prevailed.

Mr. Benners from the same committee, to whom was referred a bill to make protests of notaries and other authorised persons evidence in certain cases, reported the same back without amendment.

Said bill was ordered to be engrossed for a second reading on to-morrow.

Mr. Benners, from the same committee, to whom was referred a bill for the relief of L. V. Underwood, guardian of the minors of heirs of Wm. T. Harwell, deceased, reported the same back without amendment.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Henry moved that when the House adjourn it meet at 8 o'clock this evening.

Said motion prevailed.

## SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House resumed the consideration of the first special order for that hour, it being the resolution offered by Mr. L. P. Walker in relation to internal improvements, with the amendments proposed by Mr. Humphreys and Mr. Percy Walker.

After some discussion thereon, Mr. Shelly moved to postpone the further consideration of said order until to-morrow morning at 11 o'clock.

Said motion prevailed,

And the House then proceeded to the consideration of the next special order of the day, it being the bill to define the rights of accused persons; when,

On motion of Mr. Walker, the further consideration of said bill was postponed until the hour of 11 o'clock on Monday next.

The House then proceeded to the consideration of the next special order of the day, it being the resolution offered by Mr. Whitsitt, instructing the Committee on the Judiciary to report a bill reducing the taxes in this State, together with the amendments to said resolution proposed by Mr. Yelverton.

Mr. Wm. P. Davis moved to postpone the further consideration of said resolution and amendment until the 10th day of January next; and the yeas and nays were demanded.

Said motion was lost—Yeas 33, nays 62.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Belser, Bishop, Brown, Camp, Calhoun, Comer, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Gibson, Gilbreath, Gordy, Hatcher, Hays, Henry, A. Holly, Humphreys, Judge, Laughinghouse, Martin, McCall of Barbour, Meek, Odom, Owen, Pickett, Shelly, Walker of Mobile, Watkins and Wills.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Aldredge Allen, Benners, Burnett, Carroll, Clifton, Cowan, Cook, Creagh, Ervin of Wilcox, Foscue, Fox, Gillam, Gordy, Green, Hall, Hanserd, Hill, R. H. J. Holly, Horn, Inge, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Payne, Reynolds, Robinson, Sanford, Scott, Rhodes, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Weaver, Webb, Whitsitt, Yeldell and Yelverton.

The question then recurred on the adoption of the amendment proposed by Mr. Yelverton, and the same was adopted, and the resolution as amended was adopted.

The following message was received from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has originated and passed a bill to amend the city charter of Montgomery, and for other purposes.



Mr. Henry moved to suspend the order of business to take from the table the resolution offered by Mr. Foscue to amend the rules of the House, and to offer a resolution.

The motion prevailed.

Mr. Henry then offered the following resolution:

*Resolved*, That the principal clerk be authorized to employ an additional assistant at five dollars per day.

Said resolution was adopted.

Mr. Foscue then moved to take from the table the said resolution to amend the rules of the House, which is as follows:

*Resolved*, That from and after Monday, the 12th instant, the House meet at half-past 9 o'clock a. m., and adjourn at half-past 1 o'clock p. m., and meet again at 3 o'clock p. m., and adjourn at 5 o'clock.

Mr. Hays moved to lay said resolution on the table.

Mr. Hall moved to reconsider the vote taken on the motion to adjourn until 3 o'clock this evening, and the yeas and nays were demanded.

Said motion was lost—Yeas 25, nays 53.

Those who voted in the affirmative are:

Messrs. Abercrombie, Cowan, Cook, J. W. Davis, W. P. Davis, Fox, Gilbreath, Goodin, Greene, Hall, Hays, Judge, Laughinghouse, Meek, Odom, Owen, Pickett, Robinson, Shelly, Todd, Walker of Mobile, Watkins, Weaver, Webb and Wills.

Those who voted in the negative are:

Messrs. Speaker, Agee, Aildredge, Belser, Bishop, Brown, Burnett, Calhoun, Carrol, Clifton, Cochran, Cole, Creagh, Curry, Ervin of Wilcox, Findley, Fletcher, Foscue, Gibson, Gillam, Gordy, Hanserd, Hatcher, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Martin, McBryde, Murphy, Nelms, Newell, Payne, Reynolds, Rhodes, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Vest, Ward, Whitsitt and Yeldell.

The House then adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Cochran, from the Committee on the Judiciary, to whom was re-committed the bill for the relief of Jarred Rhodes, reported adversely thereto.

Said report was concurred in.

Mr. Cochran, from the same committee, to whom was referred the bill to authorise the sale of personal property, reported adversely thereto.

Said report was concurred in.

Mr. Cochran, from the same committee, to whom was referred the bill to amend the law in relation to the settlement of guardians with their wards, reported adversely thereto.

Said report was concurred in.

Mr. Cochran, from the same committee, to whom was referred the bill in relation to the prosecution of cases in relation to assaults and assaults and batteries, reported adversely thereto.

Said report was concurred in.

Mr. Cochran, from the same committee, to whom was referred the bill in relation to the punishment of criminals in certain cases, reported adversely thereto.

Said report was concurred in.

Mr. Cochran, from the same committee, to whom was referred the bill to abolish the separate chancery court system, reported the same back and recommended its reference to the select committee appointed to revise the chancery court system of the State of Alabama.

Said bill was accordingly referred.

Mr. Percy Walker, from the same committee, to whom was referred the bill declaratory of the powers of juries in criminal cases, reported the same back and recommended its passage.

Mr. Pickett moved to postpone the consideration of said bill until next Thursday week at 12 o'clock, and to be made the special order for that hour.

Said motion prevailed.

Mr. Percy Walker, from the same committee, to whom was referred a bill for the relief of William Weatherford and others, reported back a substitute.

Said substitute was adopted, and the bill ordered to a third reading on to-morrow.

Mr. Percy Walker, from the same committee, to whom was referred the bill to exempt slaves from levy and sale under legal process, reported the same back.

Mr. Shelly moved to lay the said bill on the table, and that 133 copies be printed; and a division of the question was called for.

The question was then taken on the motion to lay on the table, and the same prevailed.

The House then refused to print said bill.

Mr. Wm. P. Davis, from the same committee, to whom was referred the petition to allow Robert Chandler to peddle without license, reported the same back and recommended its reference to the Committee on Ways and Means; and the same was accordingly referred.

Mr. Judge offered the following resolution, which, under the rule, lies over one day:

*Resolved*, That the rule of this House prescribing the time and orders when standing committees shall report, be and the same is hereby rescinded.

Mr. Benners, from the Judiciary Committee, to whom was referred the bill to provide for the payment of certain fees to notaries public for notices of protest, reported the same back; and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Benners, from the same committee, to whom was referred the bill to amend section 2455 of the code, and to prevent the sale of equitable interest, &c., reported the same back.

Said bill was ordered to be engrossed for a third reading on to-morrow.

A message from his Excellency the Governor by Mr Harrison :

Mr. Speaker: His Excellency the Governor has approved the following bills which originated in the House, to wit:

An act to repeal an act approved on the 2d of February, 1850, in relation to Washington county;

An act to regulate the pay of grand and petit jurors in Butler county;

An act to repeal an act exempting certain persons from working on public roads in Choctaw county;

An act providing for the compensation of jurors in justices' courts in the county of Pike;

An act providing for the appointment of a general guardian for Sumter county;

An act to regulate sheriff sales in Franklin county;

An act to alter and amend an act to incorporate the Mobile Live Stock and Insurance Company;

An act to provide for the extension of time for the collection of taxes for the counties of Green and Perry, and for other purposes;

An act to amend the patrol law of Pickens county;

An act making copies of deeds evidence in certain cases;

An act changing the time of holding the circuit court of Baldwin county.

Mr. Hubbard, from the Committee on Federal Relations, to whom was referred the message of the Governor with accompanying documents relative to swamp lands, reported back a bill entitled an act authorizing the Governor to appoint a commissioner to select certain swamp and overflowed lands granted to the State by the Congress of the United States.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Foscue, from the Committee on Propositions and Grievances, to whom was referred the the petitions of citizens of the county of Lawrence upon the subject of temperance, reported the same back and recommended its reference to the Committee on Temperance.

Said petition was accordingly referred.

Mr. Foscue, from the same committee, reported adversely to the petition in relation to the beat law in Lawrence county.

Said report was concurred in.

Mr. Foscue, from the same committee, reported adversely to the petition of James McCall.

Mr. Judge, from the Committee on Internal Improvement, to whom was referred a bill entitled an act to amend the charter of the Mississippi and Gainesville Rail Road Company, reported back said bill with amendments.

Mr. Whitsitt moved to amend the 6th section of the bill by inserting "five" between "twenty" and "one thousand," so as to read twenty-five thousand.

Said amendment was adopted.

Mr. Martin moved to amend said bill as follows:

SEC. 8. *And be it further enacted,* That said company shall have power to construct or authorize to be constructed, branches of the said road not to extend five miles in length, with like powers and rights as to the right of way and material as are secured for the construction of the main stem.

Said amendment was adopted.

Mr. Judge moved to amend said bill by adding to the 8th section the following:

*Provided,* That the construction of no branch or branches shall interfere with or prevent the construction of the main trunk of any other rail road.

Said amendment was adopted, and the bill as amended was then ordered to be engrossed for a third reading on to-morrow.

Mr. Foscue, from the same committee, reported adversely to the petition of Eliza Jefcoat and others in behalf of Mrs. Martha Ann Green.

On motion of Mr. Judge said report was ordered to lie on the table.

Mr. Foscue, from the same committee, to whom was referred the petition of James Williams, tax collector of Franklin county, reported a bill for the relief of said Williams.

Mr. Foscue, from the same committee, to whom was referred the petition of James Comelander of Dallas county, reported back a bill to compensate said Comelander.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Fosuce, from the same committee, to whom was referred the petition of John Turner and three hundred others, praying that the marriage of Green T. Morgan be legalized, reported a bill in conformity to said petition.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Foscue, from the same committee, reported back a substitute for the bill entitled an act for the relief of John G. Hall.

Said substitute was adopted, and said bill ordered to a third reading on to-morrow.

Mr. Foscue, from the same committee, reported adversely to the petition of J. Blakely and thirty-seven others of Marengo county.

Said report was concurred in.

Mr. Comer, from the same committee, reported a bill to be entitled an act for the relief of James Lumpkin, an Indian.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Payne, from the same committee, reported a substitute for the bill entitled an act for the relief of Leroy Napier.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Whitsitt, from the Committee on the Sixteenth Section Fund, to whom was referred the petition of citizens of township six of range eight, in Lawrence county, reported adversely thereto.

Said report was concurred in.

Mr. Whitsitt, from the same committee, to whom was referred the petition of L. L. Fox and others, reported a bill in conformity to said petition, to authorise the trustees of section sixteen, in township seventeen and range six, east, to substitute certain notes for others heretofore taken.

Said bill was ordered to a second reading on to-morrow.

Mr. Whitsitt, from the same committee, to whom was referred a bill to amend section 517 and 527 of the Code, reported back a substitute therefor.

Said substitute was adopted, and the bill ordered to a third reading on to-morrow.

Mr. Whitsitt, from the same committee, to whom was referred a bill to repeal section 830 of the Code, reported adversely thereto.

Said report was concurred in.

Mr. Judge, from the same committee, reported adversely to the petition of R. S. Gant and others of Lawrence county.

Said report was concurred in.

Mr. Alldredge, from the Committee on Accounts and Claims, to whom was referred the memorial and account of David Powell, reported adversely thereto; and,

On motion of Mr. Belser, said report was laid on the table.

Mr. Scott, from the Committee on Ways and Means, to whom was referred a bill to make the tax assessor of Marshall county elective by the people, reported a general bill to make the tax assessor elective by the people.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Scott, from the same committee, reported adversely to the bill entitled an act to amend the law in relation to the appointment of tax assessors in the counties of Henry and Choctaw.

Said report, on motion of Mr. Scott, was ordered to lie on the table.

Mr. Scott, from the same committee, to whom was referred the resolution to inquire into the expediency of modifying the rate of tax contemplated by the 32d subdivision of section 391 of the Code; also, the expediency of modifying the rate of tax contemplated by section 394 of the Code, reported adversely thereto.

Said report was concurred in.

Mr. Scott, from the same committee, to whom was referred a bill to be entitled an act to amend a section of the Code therein named, reported adversely thereto.



On motion of Mr. Humphreys, said report was ordered to lie upon the table; and pending the question of ordering said bill to a third reading, the house adjourned until to-morrow morning at 10 o'clock.

TUESDAY, December 13, 1853.

The House met pursuant to adjournment.

Mr. Percy Walker moved to suspend the call of the counties to take from the orders of the day the preamble and joint resolutions from the Senate to the legislature of the State of Georgia, asking the right of way through a portion of said State for the North-east and South-west Rail Road.

Said motion prevailed.

Mr. Percy Walker then moved to amend said resolution by striking out the last resolution, appointing commissioners to present said preamble and resolutions to the legislature of the said State of Georgia, and to insert the following resolution in lieu thereof:

*Resolved further, by the Senate and House of Representatives in General Assembly convened, That two persons be appointed by the Governor to act as commissioners to present this memorial and joint resolutions to the general assembly of the State of Georgia, and secure, if practicable, the grant of the right of way through that State.*

Said amendment was adopted.

The constitutional rule, on motion, was suspended in order to give said preamble and resolutions a third reading forthwith.

Mr. Curry moved to amend said resolutions by engrossed rider as follows:

"And whereas, also, other rail road companies have been chartered by the general assembly of this State that desired to make connection with rail roads of Georgia;"

*Therefore resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor shall appoint commissioners at the request of any rail road company now chartered in the State, to visit the general assembly of the State of Georgia, to obtain a charter extending the roads of said company into said State of Georgia. Provided that the compensation of the commissioners who may be appointed under this memorial and joint resolutions shall be paid by the company at whose instance the same may be appointed.*

Said engrossed rider was read the second time, and the House refused to order it to a third reading.

The question then recurred on the adoption of said preamble and resolutions, and the yeas and nays were demanded.

The hour of 11 arrived, and, on motion, the special order of the hour was suspended in order to dispose of the business under consideration.

Mr. Pickett moved to reconsider the vote just taken refusing

to order to a third reading the engrossed rider offered by Mr. Curry.

Said motion prevailed. Yeas 67, nays 17.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Bennett, Calhoun, Clifton, Cole, Creagh, Curry, J. W. Davis, W. P. Davis, Irym of Walker, Findley, Foreman, Foscue Fox, Garth, Gibson, Gillam, Gilbreath, Goodin, Gordy, Hatcher, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Meek, Nelms, Newell, Odom, Owen, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, Shelly, Sterritt, Talbert, Thornton, Todd, Watkins, Weaver, Webb, Whitsitt, Wilkins, Wills and Yeldell—67.

Those who voted in the negative are:

Messrs. Alldredge, Benners, Brown, Creagh, Carroll, Cook, Fletcher, Hanserd, Humphreys, Inge, Laughinghouse, Martin, Murphy, Musgrove, Payne, St. John and Vest—17.

The said rider was then ordered to a third reading, and the preamble and resolutions, as amended, were then adopted, and ordered that the same be sent orthwith to the Senate.

A message was received from his Excellency the Governor transmitting a preamble and resolutions of the general assembly of the State of Georgia, requesting the general assembly of the State of Alabama, if consistent with the judgment of this State, to grant a charter authorising the construction of the Savannah and Albany Rail Road, from the line of Georgia on the Chattahoochee river to the city of Mobile, Alabama, and authorising the Governor of Georgia to appoint two suitable persons to communicate this request.

Said communication and resolutions were referred to the Committee on Internal Improvement.

Mr. Meek, from the joint committee to make arrangements for the inauguration of the Governor elect on the 20th inst., reported a programme of the order of the procession, to form at half-past 10 o'clock, in front of the Exchange Hotel, to escort the Governor elect to the capitol.

That they had appointed Gen. James G. Carroll grand marshal of the day, with power to appoint six assistant marshals;

Also, the following joint resolution:

*Be it resolved, by the Senate and House of Representatives, That such sum as is necessary to carry into effect the arrangements for the inauguration of the Governor elect, not exceeding \$250, is hereby appropriated for that purpose, to be expended under the charge of the joint committee; and the comptroller shall, upon the draft of the chairman of said committee, draw his warrant upon the treasurer for such an amount so expended.*

Said report was concurred in; and

The said resolution was read three times, under a suspension of the constitutional rule, and passed.

Mr. Alldredge, with leave of the House, moved that two more members be added to the committee raised on yesterday to investigate the charges preferred by the Alabama Journal against the Speaker of the House.

Said motion prevailed.

Mr. Shelly moved to reconsider the vote just taken on appointing two additional members to said committee.

Said motion prevailed.

The question again recurred on the motion to appoint two additional members of said committee.

Mr. Humphreys moved to discharge the committee from further investigation of said charges.

The motion was lost.

The question again recurred on the motion of Mr. Alldredge.

Mr. Alldredge, with the leave of the House, withdrew the said motion.

A message from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has passed a bill from the House authorising the probate court of Montgomery county to grant letters of administration on the estate of Wesley D. Hall, deceased; and a bill to exempt certain property from sale by executors or administrators; (Amended.)

Also, bills which originated in the Senate of the following titles:

A bill to subscribe stock in the Mobile and Girard Rail Road Company by the city of Mobile;

A bill to provide for the registration of the names of steamboat owners;

A bill for the relief of John A. L. DeBerrie of Walker county;

A bill to reduce the number of judges on the supreme court bench;

To continue a commissioner and trustee;

To close the affairs of the bank, and for other purposes; in which the concurrence of the House is requested.

The House then adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, December 14, 1853.

The House met pursuant to adjournment.

Mr. Pickett moved to suspend the call of the counties to take from the orders of the day the bill to incorporate the town of Moulton; and

The bill for the relief of L. V. Underwood; also,

To enable Mr. Johnson to introduce two bills.

The motion prevailed.

The said bills to incorporate the town of Moulton in Lawrence county, and

The bill for the relief of L. V. Underwood, guardian for the minor heirs of Wm. S. Harwell, deceased, were then read a third time and passed respectively.

Mr. Johnson introduced a bill entitled an act to authorise Richard Lowndes, executor of James Lowndes, late of Pickens county, deceased, to remove certain property therein named to Mississippi, and to sell a certain slave therein named; also,

A bill to authorise Richard Lowndes, executor of the last will and testament of William F. Lowndes, late of Pickens county, deceased, to remove certain property therein named to the State of Mississippi.

Said bills were severally read three times, under the suspension of the rule, and passed.

Bills from the Senate:

To amend the city charter of Montgomery, and for other purposes;

To continue the commissioner and trustee to close the affairs of the banks, and for other purposes, were severally read the first time, and ordered to a second reading.

The House refused to concur in the amendment of the Senate to the House bill entitled an act to exempt certain property from sale by executors or administrators.

Senate bills:

To subscribe to stock in the Mobile and Girard Rail Road by the city of Mobile;

To provide for the registration of the names of steam boat owners;

For the relief of John A. L. DeBerrie of Walker county; were severally read the first time, and ordered to a second reading.

The senate bill

To reduce the number of judges on the supreme court bench, was read.

On motion of Mr. Humphreys, the constitutional rule was suspended, and said bill was read a second time forthwith.

Mr. Humphrys then moved to postpone the further consideration of said bill until to-morrow morning at 11 o'clock, and that it be made the special order for that hour.

Said motion prevailed.

Mr. Hall presented the petition of Daniel Pratt and one hundred and eight other voters, praying the passage of an anti-liquor law.

Said petition was referred to the Committee on Temperance.

Mr. Comer presented the petition of Dr. Turner and others, praying for the passage of an anti-liquor law.

Said petition was referred to the Committee on Temperance.

Mr. Cochran presented the petition of John G. Martin; which was referred to the Committee on Ways and Means.

Mr. Hubbard moved to suspend the call of the counties to take from the orders of the day the bill in relation to swamp lands.

Said motion was lost.

Mr. Comer presented the petition of Joseph Cobb; which was referred to the Committee on Temperance.

Mr. McCall presented the petition of the Rev. John S. Oliver and others;

Also, the petition of Matthew Hall and fifty others;

Also, the petition of John T. Heard and five others; which were severally referred to the Committee on Temperance.

Mr. Judge moved to refer all petitions to appropriate committees without motion.

Said motion was lost.

Mr. Wills introduced a bill entitled an act to authorize the extension of debts now due, or to become due to the different sixteenth section funds in this State, which was read the first time, and ordered to a second reading on to morrow.

M. J. W. Davis presented the account of Robert Fountain, which was referred to the Committee on Accounts and Claims.

Mr. Aildredge presented the petition of Mary C. Hudson and three hundred and seventeen other ladies of Blount county; which was referred to the Committee of Temperance.

Mr. Burnett presented the petition of John T. Henderson and others of Henry county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Burnett introduced a bill to amend section 3986 of the Code of Alabama.

Said bill was read once and ordered to a second reading on to-morrow.

Mr. Burnett introduced a bill to incorporate the Mobile and Selma Rail Road Company; which was read the first and second times, under a suspension of the constitutional rule and referred to the Committee on Internal Improvement.

Mr. Yelverton offered the following preamble and resolutions:

Whereas, it is believed that the inhabitants of that portion of the State of Florida west of the Chattahoochee and Apalachee rivers called West Florida, are anxious to be attached with said territory to the State of Alabama;

And whereas, it is believed that the State of Florida will consent to a cession of said territory to this State;

And whereas, it is highly important that the State of Alabama should acquire the same,

*Be it therefore resolved*, That the Committee on Federal Relations be instructed to take the subject under consideration, and to take such steps, by bill or otherwise, as may be most advisable and conducive to attain the end above contemplated; which was adopted.

Mr. Clifton introduced a bill to provide for the reduction of the tax upon land and white polls; which was read and ordered to a second reading on to-morrow.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House proceeded to



the consideration of the special order for that hour; when, on motion of Mr. Shelly, the same was suspended, in order to proceed with the call of the counties.

Mr. Yelverton introduced a bill to authorize the register in chancery to settle a case therein named, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr. Yelverton introduced a bill to confer upon the judge of probate of Coffee additional powers, and for other purposes therein named; which was read and ordered to a second reading on to-morrow.

Mr. Yelverton introduced a bill to transfer the duties of bank commissioner to the comptrollers office, and for other purposes; which was read, and the House refused to order said bill to a second reading; so the same was lost.

Mr. Garrett introduced a bill to incorporate the North and South Alabama Rail Road Company; which was read a first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvement.

Mr. Weaver presented the petition of Mrs. Louisa Suttle and eighteen other ladies of Coosa county; which was referred to the Committee on Temperance.

Mr. Ward introduced a bill to regulate the levy of county tax in the county of Dale.

Mr. McCall of Choctaw introduced a bill to modify section 3285 of the Code.

Mr. Vest introduced a bill to compel certain persons heretofore exempted to work on public roads in Hancock county.

Mr. Benners, a bill for the relief Patrick May;

Mr. Odom, a bill to repeal in part an act entitled an act to regulate the pay of jurors in the counties of Henry, Dale, Randolph, Coffee and Covington; also,

A bill to amend the law in relation to burning the woods in the county of Henry;

Mr. Webb, a bill to incorporate Sandy Ridge Academy in the county of Lowndes; also,

A bill to incorporate Sandy Ridge Female Academy in the county of Lowndes;

Mr. Payne, a bill to authorize the administrators of Alex. J. Scott, late of Macon county, deceased, to compromise bad and doubtful debts belonging to said deceased.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Phillips presented the petition of Mrs. Phoebe Emerson and other ladies of Dallas county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Carroll presented a petition from one hundred and twenty voters of Franklin county, asking a repeal of the act of the legislature declaring Big Bear Creek, in the county of Franklin, a nav-

igable stream; which was referred to the select committee composed of the delegation from Franklin.

Mr. Carroll introduced a bill to be entitled an act to repeal an act declaring Big Bear Creek, in the county of Franklin, a navigable stream; which was read twice under a suspension of the constitutional rule and referred to a select committee composed of the delegation from Franklin.

Mr. Hays from the Select Committee, to whom was referred the joint memorial to the Congress of the United States, praying the reduction of the price of pine lands in this State, reported back a memorial and joint resolutions in conformity thereto.

Said report was concurred in, and the memorial adopted.

Mr. Cowan presented the account of John B. Cook; which was referred to the Committee on Accounts and Claims.

Mr. Scott presented the petition of Elizabeth Shehorn of De Kalb county; which was referred to the Committee on Divorce and Alimony.

Mr. Wills moved that when the House adjourn it meet again at 3 o'clock this evening.

Said motion prevailed.

Mr. Payne introduced a bill to be entitled an act to amend an act incorporating the town of Tuskegee, in Macon county; which, on motion of Mr. Payne, was read three times under the suspension of the constitutional rule and passed.

Mr. Payne introduced a bill to be entitled an act to incorporate the Tuskegee Female College; which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the Committee on Education.

Mr. Humphreys introduced a bill to be entitled an act to authorize the administrator of the estate of Albert Russell, deceased, late of the county of Madison, to keep the said estate together.

Said bill was read three times under a suspension of the constitutional rule and passed.

Mr. Creagh moved to suspend the call of the counties in order to offer a resolution.

Said motion prevailed.

Mr. Creagh then offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two houses will adjourn on the 20th of December at 3 o'clock p. m., and meet on the 2d day of January, A. D. 1854, at 10 o'clock a. m.

Mr. Hubbard moved to amend said resolution by striking out the words "2d day," where they occur in said resolution.

Said amendment was adopted.

Mr. Rhodes moved to lay the resolution on the table, and the yeas and nays were demanded. The motion was lost—yeas 29, nays 60.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Allen, Bishop, Burnett, Camp, Carroll,

Cowan, Curry, J. W. Davis, Findley, Fletcher, Foreman, Garth, Gibson, Gillam, Hall, Hanserd, A. Holly, McBryde, Owen, Pickett, Reynolds, Rhodes, Sanford, Scott, St. John, Walker of Mobile and Watkins.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Brown, Camp, Calhoun, Clifton, Cochran, Cole, Comer, Cook, Creagh, W. P. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Gilbreath, Goodin, Gordy, Greene, Hatcher, Hill, R. H. J. Holly Horn, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Nelms, Newell, Newman, Odom, Payne, Phillips, Robinson, Shelly Sterritt, Talbert, Thornton, Todd, Vest, Ward, Weaver, Whitsitt, Wilkins, Wills Yeldel and Yelverton.

Mr. Percy Walker moved to strike out the word January where the same appears in said resolution.

Said motion was lost.

Mr. Humphreys moved to amend the said resolution by filling the blank with the words "2d Monday of."

Mr. Allen moved to postpone the further consideration of said resolution until the 15th day of January next; and the yeas and nays were demanded.

Said motion was lost—Yeas 27, nays 58.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Allen, Bishop, Carroll, Clifton, Cowan, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Garth, Gillam, Hall, Hanserd, Lawrence of Fayette, McBryde, Owen, Pickett, Rhodes, Scott, St. John, Walker of Mobile, Watkins and Wills.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Brown, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Cook, Creagh, Ervin of Wilcox, Farrior, Foscue, Fox, Gibson, Gilbreath, Goodin, Gordy, Hatcher, Hill, Horn, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Meek, Musgrove, Nelms, Odom, Payne, Phillips, Reynolds, Robinson, Sanford, Sterritt, Talbert, Thornton, Todd, Vest, Ward, Weaver, Whitsitt, Wilkins, Yeldell and Yelverton.

The question then recurred upon the amendment proposed by Mr. Humphreys to fill the blank with the "2d Monday of," and the yeas and nays were demanded.

Said amendment was adopted—Yeas 56, nays 31.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Bell, Benners, Brown, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Cowan, Cook, Creagh, Ervin of Wilcox, Farrior, Foscue, Gillam, Gilbreath, Goodin, Gordy,

Greene, Hatcher, Hill, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Choctaw, Lawrence of Shelby, Martin, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Nelms, Newell, Newman, Odom, Payne, Phillips, Reynolds, Robinson, Sterritt, Talbert, Thornton, Todd, Vest, Weaver, Wills, Yeldell and Yelverton.

Those who voted in the negative are:

Messrs. Agee, Alldredge, Allen, Belser, Bishop, Carroll, Clifton, Cowan, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Garth, Gillam, Hall, Hanserd, Hays, Lawrence of Fayette, McBryde, Owen, Pickett, Rhodes, Sanford, Scott, Shelly, St. John, Walker of Mobile, Watkins, Whitsitt and Wills.

Mr Bishop moved to amend as follows:

*Resolved further,* That no mileage be charged for going and returning from home during the adjournment.

Mr. Creagh then moved the previous question, and the yeas and nays were demanded: and the question—Shall the main question be now put? was sustained—Yeas 58, nays 38.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Bell, Belser, Benners, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Creagh, Cook, Farrion, Gibson, Gilbreath, Goodin, Gordy, Hanserd, Hill, Hatcher, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McCall of Barbour, Meek, Musgrove, Murphy, Nelms, Newell, Newman, Odom, Payne, Phillips, Pickett, Reynolds, Robinson, Sanford, Sterritt, Thornton, Todd, Vest, Ward, Weaver, Wilkins, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Bishop, Cowan, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foscue, Fox, Garth, Gillam, Hall, Hays, Johnson, Lawrence of Fayette, McBryde, McCall of Choctaw, Owen, Scott, St. John, Talbert, Walker of Mobile, Watkins, Whitsitt and Wills.

The question then recurred on the adoption of the original resolution as amended, and the yeas and nays were demanded.

The resolution was adopted—Yeas 48, nays 40.

Those who voted in the affirmative are:

Messrs. Abercrombie, Bell, Benners, Brown, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Cook, Creagh, Farrion, Fox, Gilbreath, Goodin, Gordy, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, Martin, McCall of Barbour, Meek, Murphy, Nelms, Newell, Newman, Odom, Phillips, Robinson, Sterritt, Talbert, Thornton, Todd, Vest, Wilkins, Yeldell and Yelverton.

Those who voted in the negative are:

Messrs. Speaker, Agee, Alldredge, Allen, Belser, Bishop, Car-

roll, Clifton, Cowan, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Foscue, Garth, Gibson, Gillam, Hall, Hanserd, Hays, Johnson, Judge, Lawrence of Fayette, McBryde, McCall of Choctaw, Payne, Pickett, Reynolds, Rhodes, Sanford, Scott, Shelly, St. John, Walker of Mobile, Watkins, Weaver, Whitsitt and Wills.

The House then adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion the roll was called and the following members answered to the call, viz:

Messrs. Speaker, Belser, Bishop, Benners, Bell, Brown, Burnett, Clifton, Cochran, Creagh, Curry J. W. Davis, W. P. Davis, Ervin of Wilcox, Foscue, Fox, Gilbreath, Gillam, Goodin, Gordy, Hall, Hanserd, A. Holly, Hubbard, Inge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McBryde, Musgrove, Nelms, Payne, Phillips, Pickett, Reynolds, Robinson, Sanford, Shelly, St. John, Talbert, Thornton, Todd, Vest, Walker of Mobile, Ward, Watkins, Wills and Yeldell—48.

Mr. R. H. J. Holly moved to reconsider the vote taken this morning on the adoption of the resolution to adjourn the 20th of December until the 2d Monday in January next; and on motion, the further consideration of said motion was postponed until tomorrow morning at 11 o'clock, to be made the special order for that hour.

Leave of absence was granted to Mr. Portis.

The House resumed the consideration of the bill to amend section 397 of the code.

Said bill was ordered to be engrossed for a third reading on tomorrow.

Mr. Scott, from the Committee on Ways and Means, to whom was referred the bill entitled an act to amend the law imposing a tax for the sale of slaves, reported back a substitute therefor.

Said substitute was adopted.

Mr. Judge moved to amend the first section of the bill as follows:

*Provided further*, That any owner of slaves residing in this State employing any negro trader, broker or agent to sell or to offer to sell a slave or slaves, such agent shall not be subject to the tax or license of ten dollars for selling or offering to sell such slave or slaves.

Mr. Wm. P. Davis moved to postpone the further consideration of said bill until next Saturday, at 12 o'clock, and to be made the special order for that hour.

Said motion prevailed.

Mr. Scott, from the same committee, reported back the bill en-



titled an act for the benefit of the tax assessor of Dale county, and recommended its passage.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Scott, from the same committee, reported back a substitute for the bill entitled an act explanatory of a certain law therein named.

Said substitute was adopted and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Hall, from the Committee on Ways and Means, reported a bill to be entitled an act for the relief of miners of iron.

Said bill was read and ordered to a third reading on to-morrow.

Mr. Talbert, from the Committee on the Military, to whom was referred a petition of sundry commissioned officers of the 8th regiment of Alabama Militia in the county of Marshal, praying a number of copies of Cooper's Tactics, reported adversely thereto.

Said report was concurred in.

Mr. Talbert, from the same committee, reported adversely to the petition of sundry citizens of Jefferson county, praying the formation of an additional company beat in said county.

Mr. Talbert, from the same committee, to whom was referred a resolution adopted by the House, with instructions to inquire into the expediency of repealing that portion of the military code requiring the Governor to review the militia, reported a bill entitled an act to repeal the 3d section of the 12th chapter of the military code.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Jay, from the same committee, to whom was referred the biennial report of the Quarter-master General, reported back a bill entitled an act to repeal certain laws which conflict with the duties of Quarter-master General.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Jay, from the same committee, reported adversely to the bill entitled an act to aid the Southern Military Academy of Chambers county, Alabama.

On motion of Mr. Hill, the further consideration of said bill and report was postponed until half after 12 m., to-morrow, and be made the special order for that hour.

Mr. Ervin of Wilcox moved to suspend the order of business to enable the Committee on Divorce and Alimony to report.

Said motion prevailed.

Mr. Gordy, from the Committee on Divorce and Alimony, reported a bill to divorce Jasper N. Norris from his wife, Alabama Norris; and Louisiana Bell from her husband, Jonathan Bell.

Said bill was read three times, under the suspension of the constitutional rule, and passed.

Mr. Yelverton, from the same committee, reported a bill to divorce Samuel McDonnell from Ann McDonnell, Elizabeth Little

from Blake Little, Mary Ann Hammack from Asa C. Hammack, Lucinda Norris from Green Norris, Antoinette A. Greene from James A. Greene, Leonard Crow from J. L. Crow, Virginia Minga from Nathaniel G. Minga, Lloyd Whatley from Elizabeth Whatley, and Catharine Patterson from William M. Patterson.

Said bill was read three times under a suspension of the constitutional rule and passed.

Mr. Yelverton, from the same committee, reported a bill to divorce Wm. Henry from Ellen Henry, Elizabeth Hamilton from John S. Hamilton, Sarah Hollis from Mihilo Hollis, Martha B. Hughes from Andrew B. Hughes, John S. Nibbet from Narcissa Nibbet, Martin McNorton from Emily McNorton, Zachariah Marsh from Milley Marsh, Willis Slaton from Elizabeth Slaton, Keziah Brazil from Wm. Brazil, Jefferson Campbell from Lydia Campbell.

Said bill was read three times under a suspension of the constitutional rule and passed.

Mr. Yelverton, from the same committee, reported a bill to divorce William J. Gladdish from Nancy M. Gladdish, Mary D. Masters from Robert Masters, James M. Norman from Elizabeth Norman, Margaret M. Higgins from David Higgins, Eliza Jane Jennings from T. Jennings, Esther W. Harrison from Granbury C. Harrison, John W. Stamford from Nancy A. Stamford, Nancy Jane Holstan from Willis B. Holstan, Tabitha L. Burr from James A. Burr, Lucinda Turner from William Turner.

Said bill was read three times under a suspension of the constitutional rule and passed.

Mr. Yelverton, from the same committee, reported a bill to divorce Mary C. Waters from Jonathan P. Waters of Lowndes county.

Said bill was read three times under a suspension of the constitutional rule and passed.

The House then adjourned till to-morrow morning, 10 o'clock.

THURSDAY, December 15, 1853.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the first biennial report of the school for the deaf and dumb, together with a communication from the principal of said school; which were referred to the Committee on Education.

Mr. Speaker laid before the House sundry records; which were referred to the Committee on Divorce and Alimony.

Mr. Speaker laid before the House the memorial of the Baptist Convention at Selma, praying the legislature to pass an anti-liquor law; which was referred to the Committee on Temperance.

The Senate bills:

To be entitled an act to exempt certain persons from road duty;  
To amend the charter of the Alabama and Florida Rail Road,

and for other purposes; were severally read and ordered to a second reading on to-morrow.

To increase the fees of the clerk of the supreme court; which was read a first and second time under a suspension of the constitutional rule and referred to the Committee on the Judiciary.

Mr. Newman moved to suspend the call of the counties to take from the orders of the day joint resolutions proposing amendments to the constitution of this State.

The motion was lost.

Mr. Creagh introduced a bill to amend the charter of the Marengo Covered or Plank Road Company; which was read and ordered to a second reading on to-morrow.

Mr. Creagh presented the petition of A. Compton and twenty-five others of Marengo county, for an anti-liquor law;

Also, the petition of Mrs. Esther T. Pratt and 118 other ladies of Autauga county, praying the passage of an anti-liquor law; which were severally referred to the Committee on Temperance.

Mr. Creagh, a bill to provide for lighting the capitol with gas; which was read and ordered to a second reading on to-morrow.

Mr. Creagh, a bill to amend section 1255 of the Code; which was read and ordered to a second reading on to-morrow.

Mr. Gilbreath presented the account of Henry Walton, P. McFarland and Lewis Wyeth, which was referred to the Committee on Propositions and Grievances.

Mr. Bell, a bill to be entitled an act for the relief of Mrs. Elizabeth Jones and others, the securities of Alexander C. Walker; which was read and ordered to a second reading on to-morrow.

Mr. Percy Walker introduced a bill to be entitled an act to alter and amend an act entitled an act to change the mode of receiving and disbursing the revenue of Mobile county, and for other purposes, approved the 9th February, 1852; also,

A bill to be entitled an act to provide for the investment and safe keeping of estates and money in certain cases therein named; which were severally read and ordered to a second reading on to-morrow.

Mr. Percy Walker introduced a bill to be entitled an act in relation to the taxes in Mobile county; which was read.

On motion of Mr. Walker, the constitutional rule was suspended and said bill read the second time forthwith and referred to the Committee on Ways and Means.

Mr. Meek presented the petition of many citizens of South Alabama, praying the passage of a law prohibiting the throwing of dead bodies of animals into the navigable waters of this State, which was read and referred to the Committee on Propositions and Grievances.

Mr. Agee introduced a bill to be entitled an act to amend a certain section of the Code therein named; which was read and ordered to a second reading on to-morrow.

Mr. Belser presented the account of Messrs. Brittan & DeWolf; which was referred to the Committee on Accounts and Claims.

Mr. Garth presented the petition of a number of persons praying the re-charter of the old Clock Turn Pike Road, in the name of Brittan Ryan; which was read and referred to the Committee on Roads, Bridges and Ferries; also,

A petition to change a precinct in Morgan county; which was read and referred to the Committee on Elections, to report by bill or otherwise.

Mr. Talbert presented the petition of Mrs. Rebecca Glass and others; also,

The petition of Mary C. Tilman and other ladies of Perry county; also,

The petition of John Self and others; which were severally referred to the Committee on Temperance.

Mr. Henry introduced a bill and memorial to amend the charter of the town of Yorkville, in Pickens county; which was read and ordered to a second reading on to-morrow.

Mr. Henry introduced a bill and memorial for the relief of Dr. Ezekiel Sanders of Pickens county; which was read and ordered to a second reading on to-morrow.

Mr. Henry introduced a bill to amend section 1872 of the Code; which was read and ordered to a second reading on to-morrow.

Mr. Johnson introduced a bill to incorporate the Pickens De Kalb Minute Men;

Also, a bill to amend sections 1801 and 1825 and 2024 of the Code.

Mr. McBryde introduced a bill to amend section 2824 of the Code of Alabama.

Mr. Farrior introduced a bill to be entitled an act declaring Samuel Floyd, a liner between the counties of Montgomery and Pike, a citizen of Pike county.

Mr. Goodin introduced a bill to change and extend the time of holding the Circuit Court of Randolph county.

Mr. Calhoun introduced a bill to be entitled an act to allow all regular graduates of any medical college of the United States to practice medicine.

Mr. Foreman introduced a bill to be entitled an act in point to define the duties of registers and masters in equity, and for other purposes.

Mr. Whitsitt introduced a bill to be entitled an act for the relief of G. W. Grant; also,

A bill to be entitled an act in regard to the collection of interest due the estate of any minor or person *non compos mentis*, and to provide for annual settlements; also,

A bill to be entitled an act in relation to the appointment of apportioners and overseers.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Whitsitt presented the petition of C. S. Cates and 40 other citizens of Sumter county, for anti-liquor law ; also,

The petition of Aphelia J. Houston and thirty others of Sumter county, for an anti-liquor law ; also,

The petition of Willis B. Hair and seventy other voters of Sumter county, for an anti-liquor law ; also,

The petition of Miss Martha Arlington and twenty other ladies of Sumter county, for an anti-liquor law.

Mr. Shelly presented the petition of Eliza E. Nallison and 148 other ladies of Talladega county, for an anti-liquor law ; also,

The petition of F. S. Greene and ninety-five others of Talladega county, for an anti-liquor law.

Said petitions were severally referred to the Committee on Temperance.

Mr. Shelly introduced a bill to authorize James Harnett and Nancy Harnett to sell a certain tract of land therein named.

Mr. Shelly introduced a bill to amend and enlarge the chartered powers of the town of Talladega, and to define the same with greater certainty.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Shelly presented the petition of Wm. Williams and 105 others, praying the passage of a law making prosecutors liable for costs ; which was referred to the Committee on the Judiciary.

Mr. Shelly presented a communication from the superintendant of the deaf and dumb school ; which was referred to the Committee on Education.

Mr. Curry introduced a bill to authorize a geological survey of the State ; which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Internal Improvement.

Mr. Irwin of Walker introduced a bill to be entitled an act to repeal an act therein named, approved January 27, 1846 ; which was read and ordered to a second reading.

Mr. Gordy introduced a bill to be entitled an act supplementary to an act permanently to locate the county site of Washington county ; which was read three times under a suspension of the constitutional rule and passed.

Ordered, that said bill be engrossed and sent forthwith to the Senate.

Mr. Ervin of Wilcox introduced a bill to amend clause nine of section 397 of the Code ; which was read and ordered to a second reading on to morrow.

Mr. Fox presented the petition of H. C. Ramsey and J. C. Louis and thirty-one others of Wilcox county, praying a change of the license law ; which was referred to the Committee on Temperance.



## SPECIAL ORDERS.

The House then resumed the consideration of the first special order for the House of 11 o'clock, it being the resolution of Mr. L. P. Walker, in relation to internal improvement, together with the amendments proposed by Mr. Humphreys and Mr. Percy Walker, after some discussion thereon.

Mr. Creagh moved to suspend the special order in order to proceed to the consideration of the motion made by Mr. R. H. J. Holly to reconsider the vote taken on the adoption of the resolution offered by Mr. Creagh to adjourn on the 20th inst. until the second Monday in January next.

Said motion prevailed.

Mr. Hubbard then moved to lay said motion to reconsider on the table, and the yeas and nays were demanded.

Said motion prevailed. Yeas 56, nays 31.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Bell, Brown, Camp, Cathoun, Clifton, Comer, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Gilbreath, Goodin, Gordy, Hatcher, Henry, Hill, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Shelby, Martin, McCall of Barbour, Meek, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Payne, Phillips, Reynolds, Rhodes, Robinson, Scott, Shelly, Sterritt, Talbert, Thornton, Todd, Vest, Ward, Webb, Watkins, Yeldell and Yelverton—56.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Belser, Bishop, Burnett, Carroll, Cochran, Cole, Cowan, Curry, Findley, Fletcher, Foreman, Gibson, Gillam, Hall, Hanserd, R. H. J. Holly, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Choctaw, Owen, Pickett, Sanford, St. John, Walker of Mobile, Watkins and Whitsitt—26.

Mr. Hubbard presented the following paper, which was read at the clerk's desk:

## A CARD.

The Hon. David Hubbard of Lawrence county, having suggested that the misunderstanding between the Hon. Wm. Garrett, Speaker of the House of Representatives, and Benjamin Gardner, Esq., one of the Editors and Reporters of the Alabama Journal, growing out of certain articles published in that paper, was susceptible of an honorable adjustment, the undersigned (Mr. Hilliard for Mr. Gardner, and Mr. Meek for Mr. Garrett) were respectively selected by those gentlemen and have agreed upon the following terms of adjustment as honorable to both parties:

It is understood and agreed that no intention exists upon the part of Mr. Garrett to question Mr. Gardner's right to indulge in

all legitimate criticism upon the conduct of Mr. Garrett, as an officer of the House of Representatives, or upon his political opinions and course, and Mr. Garrett disavows any such intention.

Any intention to reflect upon Mr. Garrett's character for personal integrity and honor, or to attribute to him moral turpitude, is disavowed by Mr. Gardner. The comments of Mr. Gardner were intended merely as a criticism upon Mr. Garrett's official course as Speaker.

This agreement is to be taken as a whole, and as a full and honorable adjustment of the difficulty.

HENRY W. HILLIARD,  
A. B. MEEK.

Montgomery, December 14, 1853.

Whereupon, Mr. Hubbard moved that the committee heretofore appointed at the request of Mr. Speaker Garrett, to investigate the charges brought by the Alabama Journal of the 9th and 11th inst. against the Speaker of the House, be discharged; which was unanimously carried.

The House then adjourned until to-morrow morning, at ten o'clock.

FRIDAY, December 16, 1853.

The House met pursuant to adjournment.

Mr. Curry moved that when the House adjourn, it meet again at three o'clock this evening.

Said motion prevailed.

Mr. Hubbard then moved to suspend the call of the counties, in order to take from the orders of the day "the bill entitled an act authorizing the Governor to appoint a commissioner to select certain swamp and overflowed lands granted to this State by the Congress of the United States.

Said motion prevailed.

Said bill was then read the second and third times forthwith under a suspension of the constitutional rule and passed.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Judge moved that the call of the counties be suspended further, in order to take from the orders of the day two bills.

The motion prevailed.

The bill to be entitled an act to authorize the court of probate of Montgomery county to grant letters of administration on the estate of James P. Burch, deceased; also,

The Senate bill for the relief of Thomas B. Grigg, were then severally read the second and third times under a suspension of the constitutional rule and passed.

Mr. Brown then moved the further suspension of the call of the counties to take from the orders of the day the bill for the relief of Dr. Samuel Smith of the city of Tuscaloosa.

The motion prevailed, and said bill was read the second and third times under a suspension of the constitutional rule, and passed.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Meek moved the further suspension of the call of the counties to take from the orders of the day the engrossed bill "To regulate the system of public schools in the county of Mobile."

The motion prevailed, and said bill was read the third time and passed.

#### SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House resumed the consideration of the special order for the hour, it being the resolution of Mr. L. P. Walker, together with the amendments proposed by Mr. Humphreys and Mr. Percy Walker;

Mr. Belser being entitled to the floor, and after some discussion thereon,

The following message was received from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has passed bills from the House as follows:

For the relief of certain persons therein named—amended by the Senate;

Defining the duties of tax collectors in certain cases—amended by the Senate;

To allow pay to jurors in certain cases;

To authorise sheriffs to qualify claimants—caption amended by the Senate;

To repeal the patrol laws of Baldwin county;

To compel the administrator of a deceased administrator to settle the account of his intestate;

To repeal in part the patrol laws of the counties of Marshall, Cherokee, and others.

The Senate insists upon its amendment to the bill from the House to exempt certain property from sale by executors and administrators.

The Senate has originated and passed a bill for the relief of John A. Stow, and Isaac H. Stow; and

A bill for the relief of Charles Gookin;

Also, a bill from the House supplemental to an act for the permanent location of the county site of Washington county.

Mr. Lindsey, from the Committee on Enrolled Bills, reported the following named bills as correctly enrolled, viz:

An act to repeal a certain portion of an act approved February 9, 1850, incorporating the Pickens Guards;

An act to increase the pay of jurors and witnesses in Lowndes county;

An act for the relief of Susan Goodwin of Pickens county;

An act to authorise and empower the administrator of James W. C. Askew, late of Mobile county, deceased, to sell the property of the said deceased.

A message from his Excellency, the Governor:

Mr. Speaker: His Excellency, the Governor, has approved the following bills which originated in the House of Representatives, viz:

An act to increase the pay of jurors and witnesses in Lowndes county;

An act for the relief of Susan Goodwin of Pickens county.

The house then adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Henry.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the Committee on Divorce and Alimony.

Mr. Speaker laid before the House a message from his Excellency, the Governor, informing the House of the resignation of John M. Chapman as agent to take charge of the lands known as the salt reserved lands, lying on the Tombigby river, in the county of Clarke, which was referred to the Committee on Ways and Means.

Mr. Speaker laid before the House a memorial from the Cahaba Baptist Association; which was referred to the Committee on Temperance.

Mr. Bell moved to suspend the rule of business in order to take from the orders of the day certain bills, and to enable William P. Davis to make a report.

Said motion prevailed.

The bill to continue a commissioner and trustee to close the affairs of the banks, and for other purposes, was read the second time, and, on motion, the further consideration of the same was postponed until to-morrow at half after 10 o'clock, and to be made the special order for that hour.

Mr. Wm. P. Davis, from the Committee on the Judiciary, reported back the Senate bill entitled an act to repeal section 3439 of the Code, without amendment.

Said bill was read a second and third times under a suspension of the constitutional rule, and passed.

A bill to amend and enlarge the chartered powers of the town of Talladega, and to define the same with greater certainty, was read the second time, and referred to a select committee composed of the delegation from Talladega.

Mr. Burnett moved to further suspend the order of business; which was carried.

The Senate bill in relation to the burnt records of Butler county, was read the second and third times under the suspension of the constitutional rule, and passed.

Mr. Curry, from the Committee on Internal Improvement, to whom was referred the Senate bill to incorporate the Tennessee and Alabama Central Rail Road Company, reported back the same with amendments.

On motion of Mr. Garth the constitutional rule was suspended, and the said bill, as amended, was read the second and third times, and passed.

Mr. Fletcher moved to further suspend the order of business: which was carried.

Mr. Curry, from the Committee on Internal Improvement, to whom was referred the bill to incorporate the Beard's Bluff and Elyton Rail Road Company, then reported the same back amended.

Said amendments were adopted, except the following, which was lost:

"SEC. 19. *And be it further enacted*, That the gauge of this road shall be the same as the North-east and South-west Rail Road Company."

Said bill, as amended, was then read the second and third times under a suspension of the constitutional rule, and passed.

Mr. Cochran moved to further suspend the order of business: which was carried.

The engrossed bill,

To incorporate the Eufaula Plank Road Company; and

The bill to amend the Gainesville and Mississippi Rail Road Company; were severally read the third time and passed.

Mr. Judge moved to further suspend the order of business to enable him to introduce a bill.

The motion prevailed.

Mr. Judge then introduced a bill to be entitled an act to aid in the building of rail roads in the State of Alabama; which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Internal Improvement.

Mr. Camp offered the following resolution, viz:

*Resolved*, That it is not only highly expedient, but necessary to the development of the resources of the State of Alabama, and to her social and political unity, that a rail road connection be formed between north and south Alabama.

*Resolved*, That this connection should be so formed as to unite the valley of the Tennessee river with the waters of the Mobile bay, and by a great trunk road as near to the geographical centre or by-secting line as may be practicable, having reference to the resources of the State, mineral and agricultural, to be developed by such work, and to its being accessible by branches to the great sections lying east and west of said road.

*Resolved*, That this general assembly ought to adopt such mea-



asures to ascertain the route that would effect the important object above proposed, and that provision should be made by law for raising a commission or board of competent engineers for this purpose, with directions to survey and report to some future session of the general assembly.

*Resolved*, That the aid of the State should be liberally extended for the completion of this great work, and that the Committee on Internal Improvement be and are hereby instructed to frame and report a bill to carry the main object of these resolutions into effect.

On motion, the further consideration of said resolutions was postponed until to-morrow morning at 11 o'clock, and to be made the special order for that hour.

Mr. Humphreys introduced a bill to be entitled an act to build the Alabama State Central Rail Road, which was read.

Mr. Humphreys then moved to suspend the constitutional rule in order to give said bill a second reading forthwith, which was carried, and said bill read a second time.

Mr. Humphreys then moved to make the further consideration of said bill the special order for 11 o'clock on to-morrow.

Pending which, the House adjourned until to-morrow morning at 10 o'clock.

SATURDAY, December 17, 1853.

The House met pursuant to adjournment.

Mr. Humphreys moved to suspend the call of the counties to proceed to the consideration of the bill to build the State Central Rail Road.

Said motion prevailed.

Mr. Humphreys then moved to refer said bill to a committee of one from each congressional district, and two from the State at large.

Said motion prevailed, and the bill was referred accordingly.

Mr. Fletcher moved (under previous notice,) to reconsider the vote taken on concurring in the adverse report of the Committee on Banks and Banking, to the bill to be entitled an act to repeal so much of the Code of Alabama as prohibits the circulation of bank bills of other States of less denomination than five dollars.

Said motion prevailed.

Mr. Martin moved to lay the report and bill on the table.

Mr. Judge called for a division of the question.

The question was then taken on laying the report on the table and the yeas and nays were demanded.

The motion prevailed. Yeas 54, nays 29.

Those who voted in the affirmative are:

Messrs. Abercrombie, Alldredge, Belser, Bishop, Camp, Calhoun, Carroll, Cochran, Cole, Cowan, W. P. Davis, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Hanserd,

Hays, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Irwin of Walker, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Barbour, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, Shelly, Skelton, St. John, Todd, Vest, Ward, Watkins, Webb, Wilkins, Wills and Yelverton—54.

Those who voted in the negative, are :

Messrs. Speaker, Agee, Allen, Bell, Benners, Brown, Burnett, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fox, Gordy, Hall, Hatcher, Inge, Jay, Martin, McBryde, McCall of Choctaw, Owen, Phillips, Sterritt, Talbert, Walker of Mobile and Whitsitt—29.

The question was then taken on laying the bill on the table ; when the same was lost.

Mr. Watkins then moved to amend said bill by inserting after the word "one," the words "of the Code of Alabama."

Said amendment was adopted.

Mr. Percy Walker moved to amend said bill as follows :

*Provided*, That the law shall cease to be operative upon the passage of a law by any other State prohibiting the circulating of the notes of foreign banks within the limits of such State. The limitations of such proviso to apply only to such State.

Mr. W. P. Davis then moved the previous question, and the question "shall the main question be now put," was sustained.

The question recurred on ordering said bill to be engrossed for a third reading on to-morrow, and the yeas and nays were demanded.

Said bill was ordered to a third reading. Yeas 59, nays 29.

Those who voted in the affirmative, are :

Messrs. Alldredge, Allen, Belser, Bishop, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cowan, W. P. Davis, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Irwin of Walker, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Robinson, Sanford, Scott, Shelly, Skelton, St. John, Talbert, Vest, Ward, Watkins, Webb, Wills and Yelverton—59.

Those who voted in the negative, are :

Messrs. Speaker, Agee, Bell, Benners, Brown, Burnett, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fox, Hatcher, Judge, Jay, Martin, Meek, Owen, Phillips, Rhodes, Sterritt, Talbert, Thornton, Walker of Mobile, Weaver, Whitsitt and Wilkins—29.

Mr. Shelly, from the Select Committee, composed of the delegation from Talladega, to whom was referred the bill to be entitled an act to amend and enlarge the chartered powers of the town of

Talladega, and to define the same with greater certainty, reported the same back with amendments.

The amendments were adopted, and on motion the constitutional rule was suspended, and the said bill as amended was read the second and third times and passed, and ordered forthwith to be sent to the Senate.

#### SPECIAL ORDERS.

The hour of half past ten having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill to continue the office of commissioner and trustee, &c.

Mr. Yelverton moved that the further consideration of said bill be postponed until the second Monday in January next, and the yeas and nays were demanded.

Said motion was lost. Yeas 12, nays 70.

Those who voted in the affirmative, are :

Messrs. Alldredge, Clifton, Gilbreath, Greene, Hays, A. Holly, Horn, Irwin of Walker, McBryde, Musgrove, St. John and Yelverton—12.

Those who voted in the negative are :

Messrs. Abercrombie, Agee, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Cochran, Cole, Cowan, Creaght, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Garth, Gibson, Gillam, Gordy, Hall, Hanserd, Hatcher, Hill, R. H. J. Holly, Hubbard, Humphreys, Inge, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Faye, Lawrence of Shelby, Lindsey, Martin, McCall of Barbour, McCall of Choctaw, Meek, Nelms, Owen, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, Shelly, Skelton, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Wilkins and Wills—70.

Mr. Yelverton then moved to amend said bill as follows, viz: strike out section two and insert "that the commissioner and trustee shall be elected by the joint vote of both Houses, to be conducted as other elections are." Strike out "2500 dollars" where it occurs, and insert "1500 dollars."

Mr. Hubbard then moved the previous question, and the question shall the main question be now put, was sustained.

Mr. Judge moved to reconsider the vote just taken on the motion for the previous question.

Said motion prevailed.

Mr. Judge moved to suspend the constitutional rule and the said bill was then read a third time and passed.

Mr. Hall moved to suspend the call of the counties to offer a resolution.

Said motion prevailed.

Mr. Hall then offered the following resolution :

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the hall of the House of Representatives at 12 o'clock m. to-day, for the purpose of electing a State Treasurer and Comptroller.

Said resolution was adopted, and the same was ordered to be sent to the Senate forthwith.

Mr. Lindsey moved to further suspend the order of business to take from the orders of the day three bills.

Said motion was lost.

Leave of absence was granted to Messrs. Yeldell, Newman and Murphy.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House proceeded to the special order for that hour, it being the resolution of Mr. L. P. Walker with the amendments proposed by Mr. Humphreys and Mr. Percy Walker, together with the resolution of Mr. Camp ; and, after some discussion being had thereon, the House took an informal recess to enable the door-keeper to prepare the hall for the convention of the two Houses.

Mr. Curry, with leave of the House, presented the account of Bird H. Young ; which was referred to the Committee on Accounts and Claims.

Mr. Judge, the account of Brittan & DeWolf ; which was referred to the Committee on Accounts and Claims.

Mr. Curry, the account of Andrew Lawson, sheriff of Talladega county ; which was referred to the Committee on Accounts and Claims.

Mr. W. P. Davis, the account of Grant & Caldwell ; which was referred to the Committee on Accounts and Claims.

Mr. Judge, the account of Sam'l Swan ; which was referred to the Committee on Accounts and Claims.

Mr. Talbert presented the petition of L. P. Hill, Daniel Chandler and 179 other voters of Mobile, praying the passage of an anti-liquor law.

Mr. Ervin presented the petition of Archibald McLaughlin and 370 other voters of Wilcox county, praying the passage of an anti-liquor law.

Mr. Cook presented the petition of Thomas Barlow and 125 others of Lowndes county, asking the passage of an anti-liquor law ; which were severally referred to the Committee on Temperance.

Mr. Lindsey, from the Committee on Enrolled Bills, to whom was referred the bill to authorize the court of probate of Macon county to grant letters of administration on the estate of Thomas J. Burch, deceased, late a citizen of Montgomery county, reported back the said bill as being correctly enrolled.

Mr. Lawrence of Fayette introduced a bill to furnish the field

notes of the surveys of lands of Alabama to each county in the State; which was read and ordered to a second reading on to-morrow.

A message from the Senate, by Mr. Nicholson:

Mr. Speaker: The Senate concurs in the resolution proposing to elect a State Treasurer and Comptroller, this day at 12 o'clock.

The hour of 12 o'clock having arrived, the Senate, by invitation, appeared in the hall of the House of Representatives, and the two Houses in convention proceeded to elect a State Treasurer, William Graham of Autauga being in nomination.

Mr. Graham having received the whole number of votes given, and a majority of the two Houses in convention, was declared by Mr. Speaker to have been duly and constitutionally elected State Treasurer of Alabama, for the term prescribed by law.

The two Houses then proceeded to the election of a Comptroller of Public Accounts, Joel Riggs alone being in nomination.

Mr. Riggs having received a majority of, and the whole number of votes given, was declared by Mr. Speaker to have been duly and constitutionally elected Comptroller of Public Accounts for the term prescribed by law.

The Senate then withdrew to their chamber, and the House resumed the consideration of its appropriate business.

Mr. Cochran presented the petition of John M. White and others, for a rail road charter; which was referred to the Committee on Internal Improvement.

Mr. Talbert presented the petition of Hardy Griffin and others of Perry county, for anti-liquor law; also,

The petition of James Mason and others on the same subject; which was referred to the Committee on Temperance.

Mr. Brown offered the following resolution; which was adopted:

*Resolved*, That the committees of this House to which bills or acts are referred, in which the subject matter is not expressed in their caption, if they think it expedient to pass such bills or acts, to devise a caption expressive of the contents of the same.

The House then resumed the consideration of the special order for the day.

After some discussion thereon, the House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to the roll:

Mr. Speaker, Abercrombie, Agee, Alldredge, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Clifton, Cochran, Comer, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Gibson, Gilbreath, Gillam, Greene, Hall, Han-



serd, Hays, Hill, R. H. J. Holly, A. Holly, Inge, Irwin of Walker, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Barbour, McCall of Choctaw, Nelms, Newell, Odom, Payne, Pickett, Phillips, Reynolds, Robinson, Sanford, Skelton, St. John, Sterritt, Talbert, Vest, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Wilkins, Wills and Yelverton.

Mr. J. W. Davis moved to suspend the order of business in order to offer a resolution.

Said motion prevailed.

Mr. J. W. Davis then offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the resolution by which the two Houses of the General Assembly agreed to adjourn at 3 o'clock on the 20th inst. until the second Monday in January next, be and the same is hereby rescinded.

The yeas and nays were demanded on the adoption of the said resolution.

The resolution was lost. Yeas 36, nays 36.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Belser, Bishop, Carroll, Cochran, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Gibson, Gilbreath, Greene, Hall, Hanserd, R. H. J. Holly, A. Holly, Judge, Lawrence of Fayette, McBryde, McCall of Choctaw, Musgrove, Owen, Payne, Pickett, Reynolds, Shelly, Skelton, St. John, Walker of Mobile, Watkins, Weaver, Whitsitt and Wills.

Those who voted in the negative are:

Messrs. Benners, Brown, Burnett, Camp, Calhoun, Clifton, Comer, Cook, Creagh, Farrior, Gordy, Hays, Hill, Humphreys, Inge, Irwin of Walker, Jay, Lawrence of Cherokee, Martin, Meek, Nelms, Newell, Odom, Phillips, Robinson, Sanford, Sterritt, Talbert, Thornton, Todd, Vest, Ward, Webb, Wilkins and Yelverton.

Mr. Hall then moved to suspend the order of business; which was carried.

Mr. Hall then offered the following resolution:

*Be it resolved by the Senate and House of Representatives*, That the members of this legislature shall not be entitled to per diem during the adjournment of the legislature, from the 20th December to the second Monday in January.

Mr. Martin moved to amend the said resolution by adding the words, "but shall be entitled to mileage."

Pending which, and Mr. Cochran being entitled to the floor, the House adjourned till to-morrow morning, 10 o'clock.

MONDAY, December 19, 1853.

The House met pursuant to adjournment.

Mr. Judge, with the leave of the House, offered the following resolution; which was lost.

*Resolved*, That when the hour of 11 o'clock a. m. arrives to-day, this House shall stand adjourned until 3 o'clock p. m., and that when the hour of 5 o'clock p. m. arrives, this House shall stand adjourned until half past 6 o'clock p. m.

Leave of absence was granted to Messrs. Vest, Hubbard, Thornton, Gordy, Goodin, Horn, Foreman, Fletcher, St. John, Johnson and Alldredge.

Mr. Camp moved that when this House adjourn it meet again this evening at 3 o'clock.

Said motion was lost.

Mr. Judge moved to reconsider the vote taken on Saturday last referring the account of Brittan & DeWolf to the Committee on Propositions and Grievances.

The motion prevailed; and,

On motion of Mr. Judge, the said account was referred to the Committee on Accounts and Claims.

Mr. Speaker laid before the House a message from his Excellency the Governor, communicating a report of the application of the funds appropriated under the act of February 19th, 1852, for the relief of the deaf and dumb in the State of Alabama; which was referred to the Committee on Education.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the Committee on Divorce and Alimony.

The House concurred in the amendment of the Senate to the House bill for the relief of certain persons therein named;

Also, in the amendment of the Senate to the House bill defining the duty of tax collectors in certain cases.

Mr. Watkins moved to amend said bill by adding after the words "each precinct," the following: "in which the lands lie."

Said amendment was adopted.

The House insists upon its first amendment to the preamble and joint resolutions of the General Assembly of the State of Alabama to the General Assembly of the State of Georgia, and recedes from the three last amendments to said resolution.

#### SPECIAL ORDERS.

Mr. Shelly moved to suspend the first special order for the hour, it being the resolution offered by Mr. L. P. Walker, with the proposed amendments thereto, until the second Monday in January next, and to be made the special order for 11 o'clock of that day.

Said motion prevailed.

Mr. Meek offered the following resolution, which was adopted:

*Resolved*, That with the concurrence of the Senate, the joint committee of arrangements for the Governor's inauguration be authorised to make such alteration in the programme for the occasion as they may deem necessary.

The House insists upon its disagreement to the amendments of

the Senate to the House bill to exempt certain property from sale by executors or administrators.

The amendment of the Senate to repeal in part the patrol law in the counties of Marshall, Cherokee, DeKalb and others, was lost.

Mr. Pickett moved to amend said amendment by striking out the county of Lawrence, as amended by the Senate, and concurred in.

The House concurred in the amendment of the Senate to the House bill entitled an act to divorce certain persons therein named.

The Senate bills:

For the relief of John A. Stowe and Isaac H. Stowe ;

For the relief of Charles Gookin ;

To authorise Obediah Eason, Susan Eason and others to sell beer and cakes in the corporate limits of Dadeville, Tallapoosa county ;

To require the performance of a certain duty therein specified, by the judges of probate in the several counties in this State ;

To restrict the county court commissioners of Cherokee county from levying county taxes ;

To authorise the comptroller of public accounts to settle with the securities of Wm. B. Campbell, late tax collector of Randolph county ;

To amend the road law in Henry county ;

To regulate the taking of testimony in cases in chancery ;

To take the census of the State of Alabama for the year 1855 ;

To amend section 2137 of the Code of Alabama ;

To amend section 2447 of the Code of Alabama ;

To establish an election precinct therein named ;

To authorise James Critcher to erect a dam on the south side of Gunter's Landing ;

To authorise Zachariah Isbell to sell and convey his undivided interest in certain lands.

Said bills were severally read and ordered to a second reading on to-morrow.

The Senate bill to be entitled an act for the relief of Caswell C. Capshaw, and Wm. H. Cobb of St Clair county, was read ; and

On motion of Mr. Wm. P. Davis, the constitutional rule was suspended and the said bill was read a second and third time and passed.

The joint resolutions from the Senate to provide for a State seal ; and

The joint resolution from the Senate to provide for the expenses of the inauguration of the Governor elect, were severally read and ordered to a second reading on to-morrow.

The Senate bill to authorise Reese D. Gayle, administrator of Billups Gayle, deceased, to remove the administration from Clarke county to Dallas county, was read.

On motion of Mr. Phillips, the said bill was read a second and third time, under a suspension of the constitutional rule, and passed.

#### SPECIAL ORDERS.

The House then went into the consideration of the second special order of the day, it being the bill to define the rights of deceased persons; when,

On motion of Mr. Creagh, the further consideration of all special orders was postponed until the second Monday in January next.

The bill to be entitled an act to amend the charter of the Maringo Plank or Covered Road Company, was read the second time; and

On motion of Mr. Creagh, the constitutional rule was suspended and the said bill was read the third time and passed.

Mr. Skelton introduced a bill to incorporate the Augusta, Atlanta and Nashville Magnetic Telegraph Company; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Inge introduced a bill to provide for the payment of the judge of probate, justices of the peace, jurors, witnesses and other costs in the trial of slaves under sections 3316 and 3317 of the Code of Alabama; which was read and ordered to a second reading on to-morrow.

Mr. Inge presented the petition of forty-seven voters of Greene county against the liquor law; which was referred to the Committee on Temperance.

Mr. Weaver presented the account of Jordan & Moore, lessees of the penitentiary; which was referred to the Committee on the Penitentiary.

Mr. Goodin introduced a bill to alter and amend section 1116 of the Code of Alabama; which was read and ordered to a second reading on to-morrow.

Mr. Owen presented the memorial of T. S. James and four hundred and nine others of Mobile county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Hall introduced a bill to be entitled an act for the relief of the treasurer of the county of Autauga; which was read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Lawrence of Fayette offered the following resolution:

*Resolved*, That the Committee on Ways and Means be instructed to report a bill abolishing the law requiring lands to be given in by their subdivisions, and the tax-payers shall give in the gross amount of their property, both real and personal, and be taxed according to the value of their property.

Mr. Curry moved to amend said resolution by striking out the words "instructed to report a bill," and insert the words "instructed to inquire into the expediency of."

Said amendment was adopted, and the resolution as amended was adopted.

Mr. Cochran, from the Judiciary Committee, reported back the bill to regulate the proceedings in admiralty in Alabama, and recommended its passage; which was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Meek, from the Committee on Education, reported back a substitute for the bill to continue the deaf and dumb school.

Said substitute was adopted, and said bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Meek, from the same committee, reported back the bill to incorporate the Baptist Male High School in Talladega.

Said bill was read a second and third times, under a suspension of the constitutional rule, and passed.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Pickett presented the memorial of the Muscle Shoals Baptist Association; which was referred to the Committee on Temperance.

Mr. Bell introduced a bill to regulate the harbor master and port wardens of Mobile; which was read the first and second times under a suspension of the constitutional rule, and referred to a select committee composed of the delegation from Mobile.

Mr. Percy Walker introduced a bill to be entitled an act to alter and amend certain sections of the code prescribing limitations of judgments; also,

A bill to be entitled an act for the inspection of rosin, pitch and tar.

Said bills were severally read a second time, under a suspension of the rule, and referred to the Committee on the Judiciary.

Mr. P. Walker presented the petition of George F. Sallie, in behalf of Rufus Green; which was referred to the Committee on the Judiciary.

Mr. Fox presented the petition of Martha Hawthorn and 240 other ladies of Wilcox county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Hall offered the following resolution, which was adopted:

*Resolved*, That James Thompson, Esq., of Arkansas, have leave to take a seat within the bar of the House for the purpose of reporting proceedings for publication in the "Pine Bluff Republican" and the "Ouachita Herald."

Mr. Hall, from the Committee on Banks and Banking, reported back with amendments the bill to be entitled an act to incorporate the Central Bank of Alabama; and

On motion, the further consideration of said bill was postponed until the 2d Tuesday in January next, and to be made the special order for 11 o'clock of that day.

Mr. Cook introduced a bill to be entitled an act to curtail the



pay of witnesses in certain cases ; which was read and ordered to a second reading on to-morrow.

Mr. Yelverton introduced a bill to authorise the Governor to issue patents to A. B. McDougald for certain lands therein mentioned, and for other purposes ; also,

A bill to attach certain portions of territory and citizens of Covington to Coffee county.

Said bills were severally read and ordered to a second reading on to-morrow.

The Senate bill to be entitled an act to legalize a marriage between David Humphreys and Martha Griffin, was read a second and third times under a suspension of the constitutional rule ; when,

Mr. Shelly moved to amend said engrossed bill by way of engrossed rider, by inserting the word "legalize" after the word "hereby."

Said motion was adopted ; and

Mr. Shelly moved to postpone the further consideration of said bill until the 2d Thursday in January next, and to be made the special order of the House for 11 o'clock of that day.

Said motion prevailed.

A message from the Senate by Mr. Nicholson :

Mr. Speaker : The Senate has originated and passed a bill to authorise the Savannah and Albany Rail Road Company to extend their rail road from the line of Georgia on the Chattahoochee river to the city of Mobile.

The Senate concurs in the amendment to the preamble and joint resolutions to the General Assembly of Georgia.

The Senate bill to be entitled an act to authorise the Savannah and Albany Rail Road Company to extend their rail road from the line of Georgia on the Chattahoochee river to the city of Mobile, Alabama, and to extend a branch road from Eufaula to Montgomery, was read a second and third times, under a suspension of the constitutional rule, and passed.

Mr. Yelverton introduced a bill to be entitled an act to make permanent the seat of justice of Coffee county at Elba, and for other purposes ; which was read and ordered to a second reading on to-morrow.

Mr. ——— introduced a bill to be entitled an act to amend sections 1645 and 1646 of the Code of Alabama ; which was read and ordered to a second reading on to-morrow.

Mr. Lindsey, from the Committee on Enrolled Bills, to whom was referred the bills of the following titles, reported back the same as being correctly enrolled, viz :

A bill to repeal an act exempting certain persons from working on public roads in the county of Choctaw ;

A bill for the relief of the administrators of the estate of William M. Gilkey, late of Pickens county, Alabama ;

A bill to regulate the pay of jurors in the county of Coffee ;

A bill to cause the county treasurer and county surveyor of Cherokee county to be elected by the people;

A bill to authorise the probate court of Montgomery county to grant letters of administration on the estate of Wesley D. Hall, deceased, late of the county of Coosa.

A message from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate concurs in the amendments made by the House to the bill to incorporate the Alabama and Tennessee Central Rail Road.

The Senate has passed bills from the House as follows:

For the relief of Dr. Samuel Smith, of Tuscaloosa;

To amend an act incorporating the town of Tuskegee in Macon county;

To incorporate the Eufaula Plank Road Company;

To incorporate the Beard's Bluff and Elyton Rail Road Company;

To divorce certain persons therein named;

Also, a memorial to the Congress of the United States in relation to the price of the pine lands in this State.

The Senate concurs in the resolution of the House, proposing to give the committee appointed to make arrangements for the inauguration of the Governor, power to change the programme.

The House then adjourned until to-morrow morning at 10 o'clock.

TUESDAY, December 20, 1853.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a message from his Excellency the Governor, transmitting a communication from the agent of the American Colonization Society, for a portion of the south west; which was referred to the Committee on Federal Relations.

Mr. Speaker also laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

Mr. Speaker announced the following committee, to whom is referred the bill to be entitled an act to build the Alabama State Central Rail Road, viz:

Messrs. Humphreys and Cochran, for the State at large; Mr. Percy Walker, for the first congressional district; Mr. Belser, for the second congressional district; Mr. Lawrence of Shelby, for the third congressional district; Mr. Martin, for the fourth congressional district; Mr. L. P. Walker, for the fifth congressional district; Mr. Newman, for the sixth congressional district; Mr. Curry, for the seventh congressional district.

Mr. Percy Walker offered the following resolution, viz:

*Resolved*, That James P. Scriven and Nelson Tift, commissioners of the State of Georgia, be invited to seats within this Hall.

Said resolution was adopted.

Mr. Percy Walker offered the following resolution, viz:

*Resolved*, That a committee of two be appointed by the Chair to inform said commissioners of this invitation, and conduct them to seats in this hall.

Said resolution was adopted;

And the Chair appointed Messrs. Walker of Mobile, and Judge, said committee.

Mr. Weaver, from the Committee on the Penitentiary, reported a bill to be entitled an act to appropriate certain sums for improvements in the penitentiary, and for other purposes; which was read and ordered to a second reading on to-morrow.

Also, a bill to be entitled an act to appropriate certain sums therein named to the trustees of the penitentiary; which was read and ordered to a second reading on to-morrow.

Mr. Judge introduced a bill to be entitled an act to provide for the settlement of the trust estate of Martha B. Thomas, and for other purposes; and, under a suspension of the constitutional rule, the said bill was read the first and second times, and referred to the Committee on the Judiciary.

A message from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has passed bills of the following titles, which originated in the House:

To amend the charter of the Marengo Covered or Plank Road Company;

To allow the commissioners of section 16, township 4, range 15, of Covington county, certain compensation therein named, amended as therein shown;

To amend the charter of the Gainesville and Mississippi Road Company;

To amend the charter of the town of Talladega, and define the same with greater certainty.

The Senate bill entitled an act to regulate the fees of the judge of probate for Montgomery county, was read a second and third times, under a suspension of the constitutional rule, and passed.

The House concurs in the amendment of the Senate to the House bill to be entitled an act to allow the commissioners of the 16th section, township 4, range 15, of Covington county, certain compensation therein named.

Mr. Pickett presented the memorial of the citizens of township 4, and range 7, of Lawrence county; which was referred to the Committee on Sixteenth Sections.

Mr. Alldredge presented the account of Brittan & Blue; which was referred to the Committee on Accounts and Claims.

Mr. Whitsitt presented the petition relating to 16th section, township 21, range 3, west, in Sumter county; which was referred to the Committee on Sixteenth Sections.

Mr. Talbert from the Committee on the Military, to whom was referred the petition of the Eufaula Hussars praying for the forma-

tion of a regiment of cavalry in the counties of Barbour and Henry, reported adversely thereto.

Said report was concurred in.

Mr. Talbert, from the Committee on Banks and Banking, to whom was referred the bill to be entitled an act to authorise bank agencies in the county of Coffee, reported adversely thereto.

Mr. Hall moved to lay said bill and report on the table.

Said motion prevailed.

Mr. L. P. Walker presented the account of the Mobile Register;

Mr. Hays presented the account of H. F. Bezzle; which were severally referred to the Committee on Accounts and Claims.

Mr. Ervin of Wilcox, presented the petition of the citizens of Camden, and other citizens of Wilcox county, praying the right to prohibit the retail of spirituous liquors within the limits therein provided; which was referred to the Committee on Corporations.

Mr. Greene, from the Committee on the Judiciary, reported back a bill to authorise the summoning of witnesses in certain cases in Jackson county.

Said bill was read a second and third times, under a suspension of the constitutional rule, and passed.

Mr. Scott presented the petition of H. F. Ross and others; which was referred to the Committee on the Judiciary.

Mr. Hall, from the Committee on Banks and Banking, reported adversely to the bill to be entitled an act for the benefit of tax payers.

Mr. Cochran moved to postpone the further consideration of said bill and report until the 9th day of January next, and to be made the special order for the hour of 12 o'clock of that day.

Mr. Hall, from the same committee, reported back the bill to amend an act to incorporate the Northern Bank of Alabama—amended by striking out sections 5 and 6.

The House refused to concur in striking out the fifth section, but adopted the amendment striking out the sixth section.

Said bill, as amended, was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Wilkins introduced a bill declaring Boat Yard Lake, in Baldwin county, a highway.

Said bill was read and ordered to a second reading on to-morrow.

Mr. Foscue, from the Committee on Propositions and Grievances, to whom was referred the petition of the citizens of Autauga county in behalf of John T. Weaver, reported back a bill for the relief of said Weaver.

Said bill was read a second and third times, under a suspension of the constitutional rule, and passed.

Mr. Gilbreath, from the Committee on Internal Improvement, to whom was referred the memorial of John F. Dill, reported a bill for the payment of money to John F. Dill for the removal of obstructions in the Coosa river; and, on motion, the further con-

sideration of the same was postponed until the second Wednesday in January next.

Mr. Watkins, from the Committee on the Judiciary, reported adversely to the bill to repeal a part of section 2068 of the Code of Alabama.

On motion of Mr. Humphreys the bill and report were laid on the table.

#### INAUGURATION OF THE GOVERNOR ELECT.

The hour of 12, m., having arrived, the Senate, by invitation, appeared in the hall of the House.

The Hon. John Anthony Winston, Governor elect, also appeared within the hall of the House, and, after delivering his inaugural address, took the oath of office, as prescribed by law.

The Governor and Senate withdrew; and,

The house then adjourned until 2 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names, viz:

Messrs. Speaker, Allen, Bell, Benners, Camp, Calhoun, Carroll, Clifton, Comer, Cook, Creagh, J. W. Davis, W. P. Davis, Farrior, Foscue, Gilbreath, Gillam, Goodin, Green, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Horn, Irwin of Walker, Inge, Jay, Lawrence of Cherokee, Lindsey, McBryde, Meek, Nelms, Newell, Odom, Payne, Pickett, Robinson, Rutherford, Sanford, Scott, Shelly, Skelton, St. John, Talbert, Todd, Watkins and Webb.

Mr. Foscue offered the following resolution, which was adopted:

*Resolved*, That the Chair appoint a committee of three to wait on the Governor and request a copy of his inaugural address, and that they be authorised to have five thousand copies printed for the use of the House.

Messrs. Foscue, Judge and Scott were appointed said committee.

Mr. Meek, from the Committee on Education, reported back the bill to incorporate Parkville Academy.

Said bill, on motion of Mr. Cook, was ordered to lie on the table.

Mr. Meek, from the same committee, reported back the bill to incorporate the Courtland Masonic Institute, with amendments; and pending the question of concurring in the report of the said committee, the House adjourned until the second Monday in January next.

MONDAY, January 9, 1854.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.



Mr. Speaker laid before the House the memorial of the ministers of the gospel in the State of Alabama, and members of the annual conference of the Methodist Episcopal Church South, praying the enactment of an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Speaker laid before the House a letter from the Hon. A. P. Bagby, together with the memorial of Eliza Jane Wood and others of Monroe and Conecuh counties; which, on motion, were referred to the Committee on the Judiciary.

Mr. J. W. Davis presented the account of John W. Hays; which was referred to the Committee on Accounts and Claims.

Mr. Alldredge offered a joint memorial to the Congress of the United States; which, on motion, was referred to the Committee on Internal Improvement.

Mr. St. John presented the petition of Jeremiah Vestal of Blount county, praying for a charter for a turn-pike road running through Blount, Marshall and Morgan counties; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Lawrence of Cherokee presented the petition of R. S. Price and others of Cherokee county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Newman introduced a bill to divide the county of DeKalb into four commissioners' districts; which was read and ordered to a second reading on to-morrow.

Mr. Newman presented the memorial of Robert Stewart and forty seven others, citizens of DeKalb county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Cook presented the petition of the citizens of section 13, township 14, of Lowndes county, to be allowed to retain the funds arising from the sale of the sixteenth section of said township; which was referred to the Committee on Education.

Mr. Cook introduced a bill to be entitled an act to amend section 32 of the Code of Alabama;

Also, a bill to be entitled an act to amend the law in relation to sureties.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Payne presented the petition of Jesse M. Pearson and one hundred and seventy-four others of Macon county, praying for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Payne introduced a bill to be entitled an act to authorize the representative of James Bennett, late of Barbour county, deceased, to sell the negroes belonging to said deceased for division among the heirs; which was read and ordered to a second reading on to-morrow.

Mr. Rutherford introduced a bill exempting volunteers in the Mexican campaign from militia duty; which was read and ordered to a second reading on to-morrow.

Mr. Creagh offered the following resolution which was ruled by Mr. Speaker to be out of order:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the members of the present general assembly shall receive no per diem pay from the 21st day of December, 1853, to the 8th day of January, 1854, inclusive, nor mileage in going from the seat of government or returning thereto, in consequence of the recent adjournment of the general assembly.*

Mr. Gilbreath introduced a bill to declare Elizabeth Gilbreath an inhabitant of Marshall county, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr. Percy Walker presented the petition of J. W. Lesesne, Edward S. Dargan and George N. Stewart, and others, for the erection of a fourth chancery division; which was referred to the Select Committee raised to revise the chancery system of the State, &c.

Mr. Agee introduced a bill to prevent the sale of intoxicating liquors within three miles of Magnolia Academy, in Monroe county; which was read and ordered to a second reading on to-morrow.

Mr. Belser presented the petition of sundry ladies of Pike county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Belser introduced a bill to amend the Code as to proceedings in chancery; which was read and ordered to a second reading on to-morrow.

Mr. McBryde introduced a bill authorizing the constable in precinct number six, in the 42d regiment in the Alabama Militia of Pike county, to appoint a deputy; also,

A bill to incorporate the fire company, in the county of Pike; which were severally read and ordered to a second reading on to-morrow.

Mr. Newell introduced a bill to amend section 1946 of the Code; which was read and ordered to a second reading on to-morrow.

Mr. Skelton presented the petition of Wm. H. Smith and others of Benton county, in reference to the claim of John Dill and Abram Green, for removing a bar in the Coosa river; which,

On motion of Mr. Shelly, was ordered to be filed with the bills reported by the Committee on Accounts and Claims on the same subject.

#### REPORTS OF COMMITTEES.

Mr. Comer, from the Committee on Propositions and Grievances, reported adversely to the petition of Wm. K. Paulding of Marengo county.

Said report, on motion of Mr. Creagh, was ordered to be laid on the table.

Mr. Foscue, from the same committee, reported back the several petitions on the subject of the Graffenburg Medical Institute, and recommended their reference to the Committee on Education.

Said report was concurred in, and the petitions accordingly referred.

Mr. Foscue, from the same committee, reported adversely to the petition of Eliza Cabaness.

Said report was concurred in.

Mr. Foscue, from the same committee, reported adversely to the account and vouchers of Green H. Ball of Sumter county.

Said report was concurred in.

Mr. Foscue, from the same committee, reported adversely to the bill for the relief of Barton S. Clapp.

Said report was concurred in.

On motion, leave was granted to Mr. Gilbreath to withdraw the account of said Barton S. Clapp.

The House then resumed the consideration of the report of the Committee on Education, in the bill to incorporate the Courtland Masonic Institute; and

On motion, said bill and report was ordered to be laid on the table.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order for the hour, it being the resolution offered by Mr. L. P. Walker, with the amendments proposed by Mr. Humphreys and the substitute offered by Mr. Percy Walker, together with the resolution offered by Mr. Creagh, in relation to internal improvement.

Mr. Lindsey moved to postpone the consideration of said special order until to-morrow morning at 11 o'clock; carried.

Mr. Belser moved to suspend all the special orders of the day.

Said motion was carried.

Mr. Meek, from the Committee on Education, reported back the bill to incorporate the Tuskegee Female College with amendments.

Said amendments were adopted.

Said bill as amended was then read the third time under the suspension of the constitutional rule and passed.

Mr. J. W. Davis, from the Committee on Roads, Bridges and Ferries, to whom was referred the petition of E. King and others of Perry county, reported back a bill to be entitled an act to amend the road law in reference to Perry county.

Said bill was read and ordered to a second reading on to-morrow.

Mr. J. W. Davis, from the same committee, reported adversely

to the bill to amend the law in relation to working the public roads.

Said report was concurred in.

Mr. J. W. Davis, from the same committee, reported adversely to the petition of O. Powell, in relation to ferries.

Said report was concurred in.

Mr. J. W. Davis, from the same committee, to whom was referred the petition of the court of county commissioners of Sumter county, reported back a bill to be entitled an act to authorize the court of county commissioners of Sumter county, to reduce the width of causeways and bridges therein.

Said bill was read and ordered to a 2nd reading on to-morrow.

Mr. J. W. Davis, from the same committee, reported the bill to provide for the payment over to the overseers of the road moneys arising from fines on defaulters, and for other purposes, without amendment.

Said bill was read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr. J. W. Davis, from the same committee, reported back the bill to amend the road law in Pickens county—amended by adding an enacting clause.

Said amendment was adopted.

Mr. Ward moved to amend said bill by extending the provisions of the same to the counties of Henry, Dale and Dallas.

Said amendment was adopted, and the bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. J. W. Davis, from the same committee, reported back a substitute for the bill requiring the apportioners of the different road districts in Pickens county to appoint overseers, and for other purposes therein named.

Said substitute was adopted, and the bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. Foreman, from the Committee on Corporations, reported back the bill to be entitled an act to incorporate the Alabama River Pilots' Association, without amendment.

Said bill was read the third time forthwith, under a suspension of the constitutional rule, and passed.

Mr. Speaker laid before the House a communication from the Hon. Lyman Gibbons, tendering his resignation of the office of supreme court judge of the State of Alabama; which, on motion, was laid on the table.

The engrossed bill to be entitled an act to change the time of holding the regular sessions of the General Assembly of the State of Alabama, was read the third time.

Mr. Belser moved to postpone the consideration of said bill until Monday week.

Said motion prevailed.

Engrossed bills:

Authorising the probate judge of Lowndes county to order a

special election for commissioners of roads and revenue for said county;

For the purpose of establishing an election precinct in the county of Marion, and for other purposes;

To alter the commencement of the fall term of the circuit court in the eighth circuit, for the purpose of allowing an additional week to the county of Pike;

To appoint an additional surveyor in certain cases;

To attach David Seabors of Benton county to precinct number one;

To increase the compensation for grand, petit and tales jurors of the county of Macon;

To authorize the clerk or sheriff of the county of Coffee to take bonds, &c.;

Authorizing courts of county commissioners to establish, abolish and change the places of voting in election precincts;

To repeal section 3249 and part of section 397 of the Code of Alabama, and for other purposes;

To make protests of notaries and other authorized persons evidence in certain cases;

To provide for the payment of certain fees to notaries public, for notices of protest;

To amend section 2455 of the Code, and to prevent the sale of equitable interest and shares of distributees before settlement, under execution.

Said bills were severally read the third time and passed.

The engrossed bill,

To change the time of holding the circuit courts in the fourth judicial circuit of the State of Alabama, was read the third time—when

Mr. Lindsey moved to postpone the further consideration of said bill until to-morrow, and that it be made the special order for 11 o'clock of that day.

The motion prevailed.

The engrossed bill,

For the relief of William Weatherford and others, was read the third time—when

Mr. Agee moved to amend by way of engrossed rider.

Said motion prevailed, and the said engrossed rider was read three times, and the bill as amended passed.

Mr. Humphreys moved to suspend the general order to take from the orders of the day the bill to amend the charter of the town of Huntsville, and for other purposes.

The motion prevailed, and said bill was read a second time and referred to a select committee composed of the delegation from the county of Madison.

The House then adjourned until to-morrow morning 10 o'clock.



TUESDAY, January 10, 1854.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the Committee on Divorce and Alimony.

Mr. Speaker laid before the House the report of the commissioners for the improvement of the navigation of the Black Warrior river; which was referred to the Committee on Internal Improvement.

Mr. Speaker laid before the House the preamble and resolutions of the State Temperance Convention; which was referred to the Committee on Temperance.

Mr. Speaker laid before the House the proceedings of the convention of the Friends of Temperance, held in Selma in May, 1853; which was referred to the Committee on Temperance.

Leave of absence was granted to Messrs. Martin and Allen for the remainder of the week.

Mr. Comer presented the petition of James Clark and 375 other voters of Barbour county, for an anti-liquor law: which was referred to the Committee on Temperance.

The following message was received from the Senate:

Mr. Speaker: The Senate has originated and passed the following bills, viz:

To amend an act to incorporate the town of Florence, approved February 7, 1826;

For the relief of Horatio Chandler and Sarah A. V. Flanigin;

To incorporate the Montgomery Rifles.

The Senate has passed the House bill to incorporate the Baptist Male High School.

The Senate concurs in the amendment of the House to the bill to repeal in part the patrol law in the counties of Marshall, Cherokee, DeKalb and others.

The Senate insists upon its amendment to the bill to exempt certain property from sale by executors or administrators, and has appointed Messrs. Crenshaw, H. C. Jones and Bradford a committee of conference on the part of the Senate, in which the concurrence of the House is requested.

Mr. Watkins moved that a committee of conference be appointed on the part of the House to meet the committee on the part of the Senate, on the bill to exempt certain property from sale by executors or administrators.

Said motion prevailed, and Messrs. Watkins, Murphy and McCall of Barbour, were appointed said committee.

The Senate bills:

To incorporate the Montgomery Rifles;

To be entitled an act for the relief of Horatio Chandler and Sarah A. V. Flanigin, were severally read and ordered to a second reading on to-morrow.

The Senate bill to be entitled an act to incorporate the town of Florence, approved January 7th, 1826, was read once; and

On motion of Mr. L. P. Walker, said bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Skelton introduced a bill to be entitled an act to make Nathan Reaves of Cherokee county a citizen of Benton county; also,

A bill to be entitled an act to repeal certain sections of the code; which were severally read and ordered to a second reading on to-morrow.

Mr. J. W. Davis presented the petition of Evelina M. Dudley, and seventeen other ladies of Bibb county, for an anti-liquor law;

Also, the petition of John W. Pratt and others of Bibb county, for an anti-liquor law; which were severally referred to the Committee on Temperance.

Mr. Hill introduced a bill to extend the benefit of section 2468 of the code to widows and minor children; which was read and ordered to a second reading on to-morrow.

Mr. Sanford introduced a bill for the relief of R. W. Clarke, tax collector of Cherokee county.

Said bill was read; and

On motion of Mr. Lawrence of Cherokee, was read the second time forthwith.

Mr. Camp moved to amend said bill by extending the provisions of the same to John B. Smith, tax-collector of Jefferson county.

Said amendment was adopted, and the bill as amended was then read a third time, under a suspension of the constitutional rule, and passed.

On motion, the caption of said bill was so amended as to conform to the objects of said bill.

Mr. Yelverton introduced bills, to be entitled an act to amend the charter of the Elba Manufacturing Company, in Coffee county;

To be entitled an act for the relief of Benjamin F. Tucker, *et al.* of Coffee county;

To be entitled an act for the relief of Ellison Warren of Coffee county.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Phillips presented the petition of B. P. Harrision, and fifty other voters of Dallas county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Murphy presented the account of A. A. Hughes, sheriff of DeKalb county, and others; which was referred to the Committee on Accounts.

Mr. Benners presented the petition of C. R. Walker and others, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Inge introduced a bill to extend the jurisdiction of the probate court; also,

A bill to be entitled an act to amend title 2d, chapter 1st of the code of Alabama in relation to township schools.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Cowan presented the petition of William J. Green and thirty-seven others of Jackson county for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Camp presented the petition of James Bailey and others to change the line between the counties of Jefferson and Shelby; which was referred to the Committee on County Boundaries.

Mr. Rhodes introduced a bill to be entitled an act to incorporate the Mountacauleux Male and Female Academy in the county of Lauderdale; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Pickett introduced a bill to be entitled an act to facilitate the collection of small debts, by increasing the quantity of change in circulation; which was read and ordered to a second reading on to-morrow.

Mr. Pickett presented the petition of the Muscle Shoals Association of the Baptist Church, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Foscue introduced a bill to be entitled an act declaring S. F. Perkins a citizen of Marengo county; which was read and ordered to a second reading on to-morrow.

Mr. Foscue, from the Committee on Propositions and Grievances, reported back the account of Brittan & DeWolf, and recommended its reference to the Committee on Accounts.

Said report was concurred in, and the account accordingly referred.

Mr. Creagh introduced a bill to make James Ogletree and Tilman Walton citizens of Marengo county; also,

A bill to be entitled an act to repeal section 980 of the code of Alabama.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Bell introduced a bill to extend the Alabama Life Insurance and Trust Company; which was read and ordered to a second reading on to-morrow.

Mr. Owen presented the petition of Elizabeth Fuller and thirty-eight other ladies of Mobile, for an anti-liquor law; which was referred to the Committee on Temperance.

Also, the petition of J. C. Ackerman and others of Mobile, praying for the passage of an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Meek introduced a bill to incorporate the Ancient Order of Hibernians of the city and county of Mobile; which was read and ordered to a second reading on to-morrow.

Mr. Percy Walker introduced a bill to incorporate the Cant-Get-Away Club, of the city of Mobile; which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Agee introduced a bill to be entitled an act declaring George W. Salter, who lives on the line between Monroe and Conecuh counties, a citizen of Monroe county.

Mr. Belser introduced a bill to incorporate the Montgomery Gas Light Company.

Mr. Judge introduced a bill to be entitled an act in relation to dower in the lands of decedents.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Garth presented the petition to re-charter the Old Clock Turnpike Road in the name of the Britton Ryon; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Newell introduced a bill to be entitled an act for the relief of the tax assessor of Randolph county; which was read the first and second times, under a suspension of the constitutional rule.

Mr. Gillam then moved to amend said bill by extending its provisions to the counties of Tallapoosa and Cherokee.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Calhoun introduced a bill to be entitled an act to extend the payments of the notes due for the 16th section in township 14, range 27, in Russell county; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Sixteenth Sections.

Mr. Whitsitt introduced a bill to be entitled an act in regard to registers in chancery; which was read and ordered to a second reading on to-morrow.

Mr. Whitsitt introduced a bill to extend the time of payment and settlement of the taxes in Sumter county; which was read three times under a suspension of the constitutional rule, and passed.

Mr. Judge moved to suspend the order of business to offer a resolution.

The motion prevailed.

Mr. Judge then offered the following resolution:

*Resolved*, That the Hon. Andrew B. Moore, formerly a speaker of this house, who is now present, be invited to take a seat within the bar of the House.

Said resolution was adopted.

Mr. Gillam presented the petition of McLean and others, of Dadeville, Tallapoosa county, to repeal the act incorporating the town of Dadeville, in said county; which was referred to the Committee on Corporations.

Mr. Gibson presented the account of Mr. Shropshire; which was referred to the Committee on Propositions and Grievances.

Mr. Gillam presented the petition of Mrs. Parmer R. Phillips, and others of Tallapoosa county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Gillam introduced a bill to repeal an act incorporating the town of Dadeville, in Tallapoosa county; which was read and ordered to a second reading on to-morrow.

Mr. Brown introduced a bill to amend the charter of the city of Tuscaloosa; which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Fox moved to suspend the order of business in order to offer a resolution.

The motion prevailed; and

Mr. Fox then offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two houses of the general assembly do adjourn *sine die* on the 1st Monday in February next.

Mr. Belser moved to postpone the consideration of said resolution until next Tuesday, and to be made the special order for the hour of 11 o'clock of that day.

Mr. Hanserd offered the following resolution:

*Resolved*, That after the 14th day of January instant, the House of Representatives will assemble at 10 o'clock a. m., and adjourn at 1 o'clock p. m., meet at 3 o'clock, and adjourn at 5 o'clock, on each legislative day.

Said resolution, under the rule, was ordered to lie over one day.

#### SPECIAL ORDER.

Mr. Hubbard moved to suspend the first special order of the day until to-morrow at ten o'clock.

Said motion prevailed.

Mr. Percy Walker then moved to suspend all the special orders of the day except the bill to amend the law imposing a tax for the sale of slaves.

Said motion prevailed.

The House then proceeded to the consideration of said bill.

Mr. Judge then moved to amend said bill by striking out all after the enacting clause, and inserting a substitute for the same.

Said substitute was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

#### ORDERS OF THE DAY.

The engrossed bills, for the relief of John G. Hall;

For the relief of Leroy Napier;

To regulate the sale of 16th section, township 14, and range 24, of Macon county;

Explanatory of a certain law therein named;



For the benefit of the tax assessor of Dale county, were severally read the third time and passed.

The engrossed bill to amend section 397 of the code, was read the third time; when

Mr. Foscue moved to amend the same by way of engrossed rider as follows:

Strike out the word "three" where it occurs before "hundred," and insert "one."

The said engrossed rider was read three times; when,

Mr. Hall made a point of order as follows:

That as the engrossed rider proposed to strike out a portion of the engrossed bill, it was therefore out of order.

Mr. Speaker, (Mr. Curry in the chair) overruled said point of order; from which decision Mr. Hall appealed, and the question, "shall the decision of the chair stand as the decision of the House?" was put and decided in the affirmative.

Mr. Alldredge moved to amend said bill by way of engrossed rider, as follows:

*Provided*, The provisions of this act shall not apply to watering places or watering resorts.

Said engrossed rider was read three times, and the bill as amended was passed.

The engrossed bill to repeal so much of the Code of Alabama as prohibits the circulation of bank bills of other states of a less denomination than five dollars, was read the third time, and the yeas and nays were demanded, and the bill was passed—Yeas 47, nays 33.

Those who voted in the affirmative, are:

Messrs. Alldredge, Belser, Bishop, Camp, Calhoun, Clifton, Cole, Comer, Cowan, Fletcher, Foreman, Gibson, Gilbreath, Gillam, Goodin, Hanserd, Hays, Hill, A. Holly, Horn, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Scott, Snelly, St. John, Todd, Vest, Ward, Watkins, Webb, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Bell, Benners, Brown, Burnett, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Garth, Hall, Hatcher, Hubbard, Inge, Jay, Laughinghouse, McCall of Choctaw, Owen, Phillips, Rhodes, Talbert, Thornton, Walker of Lauderdale, Walker of Mobile, Weaver, Whitsitt, Wilkins and Yeldell.

Mr. Lindsey, from the Committee on Enrolled Bills, to whom was referred an act to regulate the system of common schools in the county of Mobile, reported back the same as correctly enrolled; and

The House then adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, January 11, 1854.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

Mr. Hall introduced a bill for the relief of Albert S. Elmore of Autauga county; which, under a suspension of the constitutional rule, was read the first and second times and referred to the Committee on the Judiciary.

Mr. Hall introduced a bill for the relief of Mary Ann Alexander; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Hall introduced a bill to be entitled an act for the relief of George Rives; which, under a suspension of the constitutional rule, was read the first and second times and referred to the Committee on Roads, Bridges and Ferries.

Mr. Wilkins introduced a bill to declare Turkey creek in Baldwin county, a public highway; which was read and ordered to a second reading on to-morrow.

Mr. Comer introduced a bill to be entitled an act for the relief of James Jones, a free person of color; which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Skelton introduced a bill to be entitled an act for the more effectual assessment of the revenue in each county in the State of Alabama; which was read and ordered to a second reading on to-morrow.

Mr. J. W. Davis presented the petition of Henry Johnson, praying to be relieved from his bank indebtedness; which was referred to the Committee on Banks and Banking.

Mr. Clifton introduced a bill to be entitled an act to amend section 2466 of the Code of Alabama; which was read and ordered to a second reading on to-morrow.

Mr. McCall of Choctaw introduced a bill to incorporate the Desotenville Male and Female Academy in the county of Choctaw; which was read a second time and referred to the Committee on Education.

Mr. Jay introduced a bill to be entitled an act explanatory of the revenue law, section 391 of the Code of Alabama; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Jay, with leave of the House, offered the following resolution:

*Resolved*, That the Committee on Ways and Means be instructed to inquire whether beds and bed furniture constitute a part of what is called household furniture in the 11th clause of section 391 of the Code of Alabama, and report by bill or otherwise.

Said resolution was adopted.

Mr. Newman, with leave of the House, offered the following resolution, viz:

Whereas, the legal interest of the State of Alabama is at the rate of 8 per cent. per annum, yet the rate of 6 per cent. per annum only is paid by the State upon the deposits with it of the sixteenth section funds;

And, whereas, in order to pay the interest on the sixteenth section fund, the citizens of many townships whose sixteenth sections are worthless, have to be taxed, and they thereby have to pay out their money for no corresponding advantage; be it therefore,

*Resolved*, That the Committee on the Sixteenth Section Fund be requested to report upon the expediency of passing a bill to return to the trustees of the sixteenth sections in the State the funds to which such sections may be respectively entitled, in order that the same may be invested at 8 per cent. interest for the benefit of said sections.

*Provided*, That the act shall only apply to the townships, a majority of whose legal voters shall, at an election held for that purpose, desire the same.

The said resolution was adopted.

Mr. Newman, with the leave of the House, presented the memorial of the legislature of the State of Alabama to the postmaster general of the United States, on the subject of a mail route between Montevallo and Chattanooga; which was read and ordered to a second reading on to-morrow.

Mr. Carroll moved to reconsider the vote taken on yesterday on passing the bill repealing so much of the Code of Alabama as prohibits the circulation of bank bills of other States of less denomination than five dollars.

Mr. Shelly moved to postpone the further consideration of said motion until next Saturday.

Said motion of Mr. Shelly prevailed.

Mr. Benners presented the petition of Mary Leatherwood to authorise the sale of a woman and child belonging to the estate of her late husband; which was referred to the Committee on the Judiciary.

Mr. Benners introduced a bill to repeal the first paragraph of section 825 of the Code;

Also, a bill to incorporate the Planters' Insurance Company; which were severally read and ordered to a second reading on to-morrow.

Mr. Benners introduced a bill to be entitled an act as to decrees in chancery for the balance of debts secured by mortgage or equitable lien, not satisfied by the sale of the property; which was read the second time, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Benners introduced a bill to repeal section 930 of the Code.

Mr. Inge introduced a bill to increase the compensation of executors and administrators, and to fix the compensation of guardians.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Hays introduced a bill to be entitled an act to abolish the militia system of the State of Alabama, and for other purposes; which was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Military.

Mr. Cook introduced a bill to be entitled an act to lay a tax of five dollars each on all dogs and hogs owned by or in the possession of slaves; which was read and ordered to a second reading on to-morrow.

Mr. Webb introduced a bill to be entitled an act to allow owners of slaves executed their full appraised value, except in certain cases; which was read, and ordered to a second reading on to-morrow.

Mr. Watkins presented the petition of certain citizens of Franklin county against the repeal of an act declaring Big Bear creek a public highway; which was referred to a select committee composed of the delegation from the county of Franklin.

Mr. Rutherford introduced a bill to amend section 3297 of the Code of Alabama; which was read the first and second times under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Creagh introduced a bill to be entitled an act to amend subdivision three of the Code of Alabama; which was read and ordered to a second reading on to-morrow.

Mr. Foscue presented the petition of fifty of the citizens of Marengo county for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Creagh offered joint resolutions declaring that the members of the present general assembly are not entitled to per diem. pay nor mileage during the recent adjournment of said body; which was read and ordered to a second reading on to-morrow.

Mr. Gilbreath presented the petition of Robert Pearce and others, for a re charter of Clarks' Turn-pike Road; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Bell introduced a bill to be entitled an act to amend section 3440 of the Code of Alabama; which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Percy Walker presented the petition of the pilots of Mobile bay for a change in the law regulating pilotage; which was referred to a select committee composed of the delegation from the county of Mobile.

Mr. Belser presented the petition of sundry citizens of Dublin, in Montgomery county, asking that the retail of spirituous

liquors in small quantities may be abolished; which was referred to the Committee on Temperance.

Mr. Talbert introduced a bill to be entitled an act to repeal and amend certain sections of the Code therein named; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on the Judiciary.

Mr. Johnson presented the petition of Ezekiel S. Gore of Pickens county, for relief as tax collector of said county; which was referred to the Committee on Ways and Means.

Also, the petition of Frances N. Shelton, and other ladies of Pickens county;

Also, the petition of Henry Shelton, and thirty-four others, voters of Pickens county, for an anti-liquor law; which were severally referred to the Committee on Temperance.

Mr. Foreman introduced a bill to authorise the probate court of St. Clair county to grant an order to sell the real estate and slaves of Isaac Willingham, late of said county, deceased; which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Whitsitt introduced a bill to amend the charter of the Gainesville and Mississippi Road Company; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvement.

Mr. Whitsitt presented the account of the Sumter Democrat; which was referred to the Committee on Accounts and Claims.

Mr. Shelly introduced a bill to be entitled an act to authorise George Hill, administrator, to comply with certain contracts of his intestate; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Curry introduced a bill to authorise the court of county commissioners to appoint auctioneers; which was read and ordered to a second reading on to-morrow.

Mr. Gibson introduced a bill to be entitled an act to amend section 2165 of the Code; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Gillam introduced a bill to be entitled an act for the relief of L. B. Abbot of Tallapoosa county; which was read, and the constitutional rule being suspended, said bill was read the second time forthwith and referred to the Committee on Propositions and Grievances.

Mr. Irwin of Walker, presented the petition of sundry citizens of Walker county, to have Thomas Childers restored; which was referred to the Committee on Propositions and Grievances.

Mr. Ervin of Wilcox, With the leave of the House, offered the following resolution, which was adopted:

*Resolved*, That the hall of the House of Representatives be tendered this evening to the Medical Association, now in session, for the purpose of hearing the annual address of Dr. Lopez of Mobile.

Mr. Burnett, by leave of the House, introduced a bill to provide for the re-survey of the town of Greenville, in Butler county; which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Payne, by leave of the House, introduced a bill to amend the law in relation to forcible entry and detainer; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

#### SPECIAL ORDERS.

Mr. Percy Walker moved to suspend all the special orders of the day in order to proceed to the consideration of bills on their second reading, excepting the bill to aid the Southern Military Academy of Chambers county, Ala.

Said motion prevailed, and the House proceeded to the consideration of said bill.

After some discussion, said bill was ordered to be engrossed for a third reading.

The Senate bills.

To regulate the issuance of ancillary attachments, was read and ordered to be engrossed for a third reading on to-morrow.

To change the commencement of the fiscal year and to regulate and change the time for the assessment and collection of taxes, was read the second time and referred to the Committee on Ways and Means.

To regulate the administration of the estates of deceased persons in all suits in chancery courts of this State, was read the second time and referred to the Committee on the Judiciary.

The bill to repeal part of an act to regulate the corporation of the town of Fayetteville, approved February 12th, 1852, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill to amend section 3285 of the Code of Alabama, was read the second time and referred to the Committee on the Judiciary.

The bill to repeal section 418 of the Code of Alabama, was read the second time and referred to the Committee on Ways and Means.

The bill to provide for the compensation of witnesses required to attend upon the court of county commissioners, was read the second time and referred to the Committee on the Judiciary.

The bill to amend the sixteenth section of the act to incorporate the Choctaw Male and Female Seminary, approved February 1, 1850, was read the second time and referred to the Committee on Education.



The bill to authorize the trustee of sixteenth section in township 17, range 6 east, to substitute certain notes for others heretofore taken for a part of said sixteenth section, was read the second time and referred to the Committee on the Sixteenth Section Fund.

The bill for the relief of John Lumpkin, an Indian, was read the second time and referred to the Committee on Propositions and Grievances.

The bill to require justices of the peace and constables in the county of Lowndes, in their respective beats, should act as apportioners and supervisors of roads, and for other purposes, was read the second time and ordered to be engrossed.

The bill to legalize a certain marriage therein named; and

The bill to compensate Jesse Comelander, were severally read the second time and ordered to be engrossed for a third reading.

The bill to amend the law in relation to attachments against foreign corporations, was read the second time and referred to the Committee on the Judiciary.

Senate bills:

To provide for a set of weights and measures for the counties of Butler and Madison;

To provide township maps for the county of Butler;

To pay jurors in the county of Chambers;

For the relief of Thomas Golden of Madison county.

Said bills were severally read the second time and ordered to be engrossed for a third reading.

The joint resolutions of the Senate proposing amendments to the constitution as to the extent of counties, was read the second time and referred to the Committee on County Boundaries.

The Senate bill,

To exempt from sale under any legal process all necessary wearing apparel, and for other purposes, was read the second time and referred to the Committee on the Judiciary.

The Senate bill,

To authorize Robert Baugh and Edward Baugh, executors of Richard Baugh, late of Chambers county, deceased, to sell certain slaves for a division among the heirs;

The Senate bill,

To amend the estray laws, were severally read the second time and referred to the Committee on the Judiciary.

The Senate bill,

For the relief of Mary Cunningham, was read the second time; when

Mr. Fletcher moved to amend said bill by adding Patsy Tucker of Marshall county;

Mr. Musgrove moved to amend said bill by extending its provisions to Elizabeth Taylor of Marion county;

Mr. Ward moved to amend by extending the provisions of the same to Mary Howell of Dale county;

Mr. McBryde moved to amend the same by extending its provisions to Sallie H. Goodwin of Pike county;

Mr. Gillam moved to amend by extending the provisions of the same to Priscilla Shepherd of Tallapoosa county;

Mr. A. Holly, to amend by extending the provisions of the same to Mary Standfield of Covington county;

Mr. Meek, to amend by extending the provisions of the same to Anna Cullen, wife of Patrick Cullen, of Mobile.

Said amendments were severally adopted, and the bill referred to the Committee on the Judiciary.

The bills:

To prevent the evasion of the revenue law, was read the second time and referred to the Committee on Ways and Means.

To provide for the collection of notes given for Sixteenth Sections, was read the second time and referred to the Committee on Sixteenth Sections.

To divorce James T. Conev from Nancy Conev, was read the second time and referred to the Committee on Divorce and Alimony.

To consolidate suits on bills of exchange, was read the second time and referred to the Committee on the Judiciary.

To authorize the regimental court martial of Hancock county to lay off company beats of less than forty privates, was read the second time and referred to the Committee on the Military.

For the benefit of securities and accommodation endorsers; and

To authorize the sale of property liable to waste, belonging to the estates of deceased persons in certain cases.

To amend the law in relation to steam boats and other common carriers.

Said bills were severally read the second time and referred to the Committee on the Judiciary.

The bills:

In relation to officers of the penitentiary;

Requiring executors and administrators to take an oath of office before entering upon the discharge of their duties, were severally read and ordered to be engrossed for a third reading.

For the relief of Nancy Pace of Coffee county, was read the second and third times, under a suspension of the constitutional rule, and passed.

To repeal in part an act to increase the pay of jurors in certain counties therein named, approved 21st December, 1837, was read the second time.

Mr. J. W. Davis moved to amend said bill as follows:

SEC. 2. *Be it further enacted*, That grand and petit jurors of the county of Bibb shall be entitled to the compensation provided for in section 3481 of the Code of Alabama.

The amendment was adopted, and the bill, as amended was ordered to be engrossed for a third reading on to-morrow.

The bills:

To alter and amend section 499 of the Code of Alabama, fixing the compensation of county commissioners, was read the second time and ordered to be engrossed for a third reading on to-morrow.

To authorize the loan of cadet muskets to a certain academy, was read the second time and ordered to be engrossed for a third reading on to-morrow.

To declare Henry Criswell a liner between the counties of Talladega and Benton, and for other purposes, was read the second time and referred to the Committee on County Boundaries.

To amend section 397 of the Code, was read the second time and referred to the Committee on Ways and Means.

For the preservation of game, was read the second time and referred to the Committee on Propositions and Grievances.

To prevent the burning of the woods in the county of Baldwin, was read the second time.

Mr. Vest moved to amend said bill by extending its provisions to the county of Hancock;

Mr. Foreman, to amend by extending its provisions to the county of St. Clair;

Mr. Laughinghouse, to amend by extending its provisions to the county of Madison.

Mr. Humphreys moved to lay the said bill and amendments on the table.

Said motion prevailed.

Mr. Lindsey, from the Committee on Enrolled Bills, to whom was referred the bills,

Defining the duties of tax collectors in certain cases;

To divorce certain persons therein named;

To amend the charter of the Gainesville and Mississippi Road Company, reported back the same as correctly enrolled.

And the House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, January 12, 1854.

The House met pursuant to adjournment.

The Senate bill,

For the relief of John E. Lipscomb, deceased, and of the guardian of the minor heirs, was read the first time and ordered to a second reading on to-morrow.

Mr. Hall introduced a bill to incorporate the East and West Alabama Rail Road Company; also,

A bill to invest the surplus revenue, and to aid internal improvement; which were severally read the first and second time under a suspension of the constitutional rule and referred to the Committee on Internal Improvement.

Mr. Comer presented the petition of sundry citizens of Barbour county; which was referred to the Committee on Propositions and Grievances.

Mr. Comer presented the petition of sundry citizens of Barbour county, against peddlers; which were severally referred to the Committee on Propositions and Grievances.

Mr. Comer moved to suspend the call of the counties in order to take from the orders of the day the bill relating to the same subject.

The motion prevailed, and the said bill was read the second time and referred to the Committee on Propositions and Grievances.

Mr. J. W. Davis introduced a bill for the relief of Michael E. Moore and Cromwell H. Moore; and, under a suspension of the constitutional rule, the bill was read the first and second times and passed.

Mr. Hill presented the petition for an anti-liquor law for Chambers county; which was referred to the Committee on Temperance.

Mr. Sanford introduced a bill to exempt certain property therein named from levy and sale; which, under the suspension of the constitutional rule, was read the first and second times and referred to the Committee on the Judiciary.

Mr. Percy Walker moved to reconsider the vote referring the bill for the preservation of game to the Committee on Propositions and Grievances.

Said motion prevailed.

Mr. Yelverton introduced a bill to declare Alexander's Mill creek a public highway; which was read the first time and ordered to a second reading on to-morrow.

Mr. Speaker (Mr. Creagh in the chair) presented the petition of sundry citizens of Coosa county praying for the passage of a law providing for the permanent location of the county site of said county; which was laid on the table.

Mr. Speaker, (Mr. Creagh in the chair) introduced a bill to be entitled an act to ascertain the sense of the people of Coosa county in regard to the permanent location of the county site of said county, and to provide for building a court house and jail for the same.

Said bill was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Speaker. (Mr. Creagh in the chair) with leave of the House, offered the following resolution, which was adopted, viz:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of changing the existing law in relation to the institution of suits, so as to require the plaintiff to give security for costs of suit, with leave to report by bill or otherwise.

Mr. Speaker, (Mr. Creagh in the chair,) also, with leave of the House, offered the following resolution, which was adopted, viz:

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of relieving the county treasurers of the different counties of this State of the payment of petit jurors by the substitution of a tax on suits sufficient to make a jury fund, with leave to report by bill or otherwise.

Also, the following resolution, which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to inquire whether any of the punishments prescribed for officers in the Code of Alabama, are requiring modification; and that said Committee report by bill or otherwise.

Mr. Ward introduced a bill to be entitled an act for the relief of William J. Bradwell, late sheriff of Dale county;

Mr. Phillips introduced a bill to be entitled an act to provide for the compensation of jurors in the county of Dallas; which were severally read and ordered to a second reading on to-morrow.

Mr. Lawrence of Fayette, introduced a bill for the relief of registers in chancery; which was read and ordered to a second reading on to-morrow.

Mr. Reynolds introduced a bill to be entitled an act to authorize the trustees in the several townships in the county of Fayette to divide their townships into school districts, and for other purposes; which, under a suspension of the constitutional rule, was read the first and second times and referred to the Committee on Sixteenth Sections.

Mr. Inge introduced a bill to be entitled an act in regard to the collection of costs in chancery.

Mr. Benners introduced a bill to be entitled an act to amend the first section of an act entitled an act to regulate the sale of cotton by commission merchants, approved February 10th, 1852.

Mr. Odom introduced a bill to district the county of Henry for commissioners of roads and revenue; which were severally read and ordered to a second reading on to-morrow.

Mr. Cowan presented the petition of the citizens of the corporation of the town of Bellefonte, for the surrender and repeal of the charter of said corporation, and for other purposes; which was referred to the Committee on Corporations.

Mr. Cowan also presented the petition of M. P. Brown and ten others, ministers of the gospel, for an anti-liquor law.

Also, the petition of James M. Hudgins and fifteen others, teachers of common schools, for an anti-liquor law; which were severally referred to the Committee on Temperance.

Mr. L. P. Walker introduced a bill to be entitled an act to amend the charter of the Florence and Nashville Rail Road Company; which was read three times, under a suspension of the constitutional rule, and passed.

Mr. L. P. Walker introduced a bill to be entitled an act to repeal the 17th clause of section 391 of the code; which was read and ordered to a second reading on to-morrow.

Mr. Hanserd introduced a bill to further compensate the several tax collectors in this State; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Cook presented the petition of J. T. S. Parker and other citizens of Lowndes county, praying to be made citizens of the county of Pike; which was referred to the Committee on County Boundaries, with instructions to report by bill or otherwise.

Mr. Cocke introduced a bill to be entitled an act to authorize the appointment by the judge of probate of each county of a general guardian of the county; which was read and ordered to a second reading on to-morrow.

Mr. Fox, with leave of the House, offered the following resolution, which was adopted, viz:

Whereas, on account of the inclemency of the weather, the delivery of the anniversary oration before the State Medical Association was postponed from 7 o'clock p. m. yesterday until 1 o'clock p. m. to-day; therefore

*Resolved*, That the hall of this house be again tendered to the association at the hour named for that purpose.

Mr. Payne introduced a bill to be entitled an act legalizing the division of the estate of Harmony Lamar among the heirs; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

A message from the Senate:

Mr. Speaker: The Senate has passed the House bill to amend the charter of the city of Tuscaloosa.

Mr. Humphreys introduced a bill to be entitled an act to amend sections 3047, 186, 3046 and 3043 of the Code of Alabama, in their application to the county of Madison; which was read, and the constitutional rule being suspended, said bill was read the second and third times forthwith, and passed.

Mr. Creagh introduced a bill to establish a place of voting at the house of Watson Dickinson, in Monroe county; which was read the first time and ordered to a second reading on to-morrow.

Mr. Meek introduced a bill to be entitled an act to amend an act to incorporate the Mobile and New Orleans Rail Road Company, approved the 24th day of December, 1851; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvement.

Mr. Meek presented the joint memorial and resolution asking from Congress grants of alternate sections of land to aid the Mobile and New Orleans Rail Road Company; which was referred to the Committee on Internal Improvement.

Mr. Percy Walker introduced a bill to be entitled an act to amend the law in relation to pleadings;

Also, a bill to be entitled an act relative to criminal pleadings; which were severally read the first and second times, under a sus-



pension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Percy Walker introduced a bill to be entitled an act to regulate the sessions of the circuit and city courts of Mobile county; which was read the first and second times forthwith, under a suspension of the constitutional rule, and referred to a select committee composed of the delegation from the county of Mobile.

Mr. Garth presented a memorial to the legislature of the State of Alabama in relation to the Alabama Central Rail Road, adopted by the convention held at Decatur the 30th of November, 1853; which was referred to the Committee on Internal Improvement, and one thousand copies ordered to be printed.

Mr. Cole introduced a bill entitled an act requiring tuners and repairers of pianos to obtain license; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. McBryde presented the petition of the judge of probate and other citizens of Pike county; which was referred to the Committee on the Judiciary.

Mr. Horn introduced a bill to be entitled an act conferring certain rights on notaries public as therein named.

Mr. Bishop introduced a bill to be entitled an act to authorise the election of treasurer, tax assessor and surveyor in each county by the qualified electors in each county.

Mr. Brown introduced a bill to be entitled an act to amend section 2379 of the Code of Alabama in relation to the compensation of witnesses.

Said bills were severally read and ordered to a second reading on to-morrow.

Mr. Whitsitt, with the leave of the House, presented the petition of George J. Cojins for relief; which was referred to the Committee on Banks and Banking.

Mr. Belser, from the Committee on the Judiciary, to whom was referred so much of the message of the late Governor of this State as relates to the question of boundary between the State of Alabama and the State of Georgia, on the Chattahoochee river, submitted the following report and resolutions:

Your committee, recognising the well settled principle that the contemporaneous history and traditions connected with a public grant may be looked to for the purpose of ascertaining, in doubtful cases, the intention and meaning of the contracting parties, report—

That in 1777 the State of Georgia, in the 23d section of the 1st article of her constitution, authorised her legislative department to dispose of her territory lying westward of the Chattahoochee river to the United States, and in the event that such a disposition was made of it, to give its consent to the establishment of one or more governments within the same;

That in 1780 congress recommended to the several States having claims to waste and unappropriated lands in the western country the propriety of making a liberal cession to the United States of a portion of their respective interests, for the common benefit of the Union;

That in 1798, the President of the United States appointed commissioners to meet such other commissioners as might be selected by the State of Georgia, to adjust all interfering claims of the United States and that State, to territory west of the Chattahoochee river;

That in 1799, the State of Georgia nominated her commissioner, and in 1800 gave them full and unlimited powers to treat with the commissioner of the United States for the sale of her territory on such terms as might be beneficial to both parties; and that in 1802, articles of cession were entered into by the United States and the State of Georgia, through the commissioners aforementioned, whereby the United States became the owner of the said territory.

The words of the grant are :

"The State of Georgia cedes to the United States all the right, title and claim, which the said State has to the jurisdiction and soil, situated within the boundaries of the United States, south of the State of Tennessee, and west of a line beginning on the western bank of the Chattahoochee river, where the same crosses the boundary line between the United States and Spain, running thence up the said river Chattahoochee, and along the western bank thereof, to the great bend thereof, and next above the place where a certain creek or river called Uchee, (being the first considerable stream on the western side, above the Cusseta and Coweta towns,) empties into the said Chattahoochee river; thence in a direct line to Nickajack, on the Tennessee river."

In 1846, the legislature of this State resolved that the meaning of the above grant was, "that the State of Georgia should retain the Chattahoochee river within her own limits, and cede to the United States all her territory west of the said river; and that the said river, from the Northern line of Florida up to the great bend should become the boundary line to the lands thus ceded to the United States by the State of Georgia; that upon no just or liberal construction could the State of Georgia exercise or claim jurisdiction over any soil west of the ordinary channel of the Chattahoochee river, and that the line designated by the margin of the river against its western bank at the ordinary stage of water, was the true line of boundary between the States of Alabama and Georgia."

In 1850, the grant came before the district court of the United States for the State of Georgia, and also the supreme court of the State of Alabama, for interpretation in the case of Howard and Echols vs. Ingersoll, and Howard vs. Ingersoll. The first of these tribunals decided that "the boundary line between the States of

Alabama and Georgia was to be drawn on and along the western bank of the Chattahoochee river at low water mark," and the decision of the other varied but little from that of the former court.

In 1851, the supreme court of the United States, on writs of error, under the 25th section of the judiciary act, reversed both of these cases, and held that the true boundary line between the States of Alabama and Georgia "runs along the top of the high western bank of the Chattahoochee river, leaving the bed of the river and the western shelving shores within the jurisdiction of the State of Georgia."

This exposition of the grant, is, in the opinion of your committee, unwarranted by its terms, and against those well defined rules which should have governed its construction. The best authorities declare that a river consists of "the water, the bed, and the banks," and that "the rising ground above low water is not the bed of the river." That the bank "is that space outside of the ordinary bed of the river, which the water covers at any season of the year." That where the tide ebbs and flows, "it is all the ground between low water and high water mark." That where the tide does not ebb and flow, "it is that portion of the soil which touches the edge of the river."

Again, that every county lying upon a river, is presumed to have no other boundary than the river itself, "because nothing is more natural than to take a river for a boundary, when a State is established on its borders."

Further, "where one State is the original owner, and cedes territory to another across a river, to retain the right to the bed of the stream to the use of the water flowing through it, or to the flats between low and high water mark, each must be distinctly excepted in the grant, and if left doubtful the grantee takes."

Your committee are loth to suppose that those eminent statesmen who filled the commission for the United States and the State of Georgia, while fixing a boundary for two independent sovereignties, "on such terms as might be beneficial to both parties," would commit such an absurdity as to leave a narrow strip of land between low and high water mark on the west side of the Chattahoochee river, within the limits of the State of Georgia and subject to her control.

Nor can your committee agree with the majority of the supreme court of the United States, as to what they call "the controlling language of the grant." The court says, if the words of the grant had been "beginning on the western bank of the Chattahoochee, and running thence up the river," and no more had been said, the middle thread of the river would have been the ordinary line between the two States. But that the words, "along the bank," added to those "on the bank," gives direction to the grant, and takes it out of the influence of those cases in which courts have had the greatest difficulty in the location of boundaries.

Your committee, having already shown what they consider the bank of a river, where the tide does not ebb and flow, they will next attempt to trace out the error into which they think the supreme court of the United States has fallen. At the spot where the boundary line between the United States and Spain crosses the Chattahoochee river, and where "the soil touches the edge of the water of the river," there the eastern boundary of the State of Alabama begins, and not on the top of the bank, as was held by the court. This point, then, being the commencement of the line, the words "running up the Chattahoochee river," in connection with it, would, were they left alone, carry the grant to the centre of the stream. The words "along the bank," added to the others, might serve to exclude the river itself from the control of the State of Alabama, and leave it in the State of Georgia; but at the same time would run the line up the river, and put the flats between low and high water mark in the State of Alabama. The words "along the bank," your committee cannot think necessarily mean "on the top of the bank," as the court seemed to conclude. To have construed them to mean "along the shore of the river, at the waters' edge," at low water would have been much more natural, much more convenient, and extremely liberal to the State of Georgia. For many of the cases say, that "where land adjoining a fresh water river, or above tide water, is described as bounded by a monument, whether natural or artificial, such as a tree or stake standing upon the bank, and a course is given as running from up and down the river, to another monument standing upon the bank, these words necessarily imply, as a general rule, that the line is to follow the river according to its meanderings and turnings, and the grantee takes to the middle of the river."

The decision referred to being highly prejudicial to a portion of the people of this State, and depriving them as it does of those *riparian* rights which are usually allowed to persons who own lands on rivers, above the arms of the sea, your committee have been anxious to satisfy themselves that a re-argument of the question, in another separate and distinct suit, could be had before the supreme court of the United States. The grounds on which they rely for obtaining it are, that the decision complained of was made by a divided court. That the cases against Ingersoll, as presented to the court, did not require the adjudication it has made. That they were suits to which neither the State of Alabama or the State of Georgia was a party, and which did not put on issue "the use of the western bank of the Chattahoochee river for navigation and Commerce."

The next matter which your committee will notice, is the mode by which the subject is to be again brought before the supreme court of the United States for consideration. It is a political question purely, or one of judicial cognizance. Your committee have no doubt of the authority of the supreme court of the United

States to hear and determine a controversy between States, in relation to their boundaries, where the suit is brought to try a right of property in the soil, or where the power which is to be exercised is a judicial one.

The case of the State of Rhode Island vs. the State of Massachusetts, reported in 12 Beler's Reports, page 657, prescribes the practice which is to be pursued in such controversies, and says it must be by bill, filed by one State against another, under the federal constitution, on the chancery side of the court.

Your committee, therefore recommend to the House the passage of the following joint resolutions:

Whereas, the supreme court of the United States, in the cases of Howard and Echols vs. Ingersoll, and Howard vs. Ingersoll, has recently made a decision which seriously interferes with the rights of some of our citizens residing on the western side of the Chattahoochee river, and with the civil and political jurisdiction of the State of Alabama along a portion of its eastern line;

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That* the Governor of this State be and he is hereby authorised and required to employ counsel to file a bill before the supreme court of the United States, on the chancery side thereof, as early as practicable, with the proper parties thereto, that the true boundary between the State of Alabama and the State of Georgia, on the western side of the Chattahoochee river, from the northern Florida line up to the great bend on the said river, may be definitely settled by the said court.

*And be it further resolved, That* it shall be the duty of the Governor of this State to have furnished to the counsel who may be selected by him as aforesaid, all the evidence which may be necessary to the obtaining of a correct construction of the grant from the State of Georgia to the United States, as embraced in the articles of cession of 1802, entered into between the State of Georgia and the United States.

*And be it further resolved, That* the counsel who may be employed by the Governor of this State, under these joint resolutions, and also the expense which may be contracted in procuring the evidence already spoken of, shall be paid, upon the order of the Governor, out of any money in the treasury not otherwise appropriated.

And the said joint resolutions were adopted.

Mr. L. P. Walker, from the Committee on Internal Improvement, to whom was referred the bill to authorise the geological and agricultural survey of the State, reported back a substitute therefor.

Said substitute was adopted; and

On motion of Mr. Lindsey, the further consideration of the same was postponed until Monday next, to be made the special order of the House for 12 o'clock m.

Mr. Percy Walker, from the Committee on the Judiciary, to whom was referred a bill to be entitled an act to repeal, alter and amend certain sections of the Code relative to attachments, reported back a substitute therefor; and,

On motion of Mr. Pickett, the further consideration of the same was postponed until Thursday next, to be made the special order for the House at 11 o'clock of that day.

Mr. Scott moved to take from the table a bill to divide the State of Alabama into seven congressional districts.

Said motion prevailed, and the bill was read the first time and ordered to a second reading on to-morrow.

Mr. Yelverton moved to reconsider the vote taken to-day in postponing until next Monday the bill to authorize the geological and agricultural survey of the State.

Said motion prevailed, and the motion to postpone was then lost.

Mr. Foscue moved to amend said bill by striking out twenty where it occurs in said bill, and insert ten.

Mr. Cochran moved to amend said amendment by striking out "ten" and inserting "fifteen."

Pending the question of adoption of said amendment, the House adjourned until to-morrow morning at 10 o'clock.

FRIDAY, January 13, 1854.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the Secretary of State in relation to the Courtland Land Office; which was referred to the Committee on the Judiciary.

Mr. Greene made a personal explanation.

Mr. Percy Walker moved to suspend the call of the counties in order to offer a resolution.

The motion prevailed.

Mr. Percy Walker then offered the following resolution; which was adopted:

*Resolved*, That the use of the hall be allowed to a rail road meeting, to be held this evening at 7 o'clock.

Mr. Talbert moved to further suspend the call of the counties to take from the orders of the day the Senate bill to be entitled an act to repeal section 2461, and to amend sections 2464 and 2466 of the Code of Alabama.

Mr. Belser moved to amend said bill by striking out all after the enacting clause of the second section and inserting the following as a substitute:

That section 2464 of the Code, which prohibits the head of a family from selling or disposing of property now exempt from sale or levy, be so amended as to permit the head of a family or any member thereof, where there is no head to said family within this State, to sell or dispose of said property for money, or to



change it for other property ; which money or other property thus obtained shall also be exempt from garnishment, sale or other legal process, on introducing before the judge of probate affidavits of disinterested persons, showing that such sale, disposition or change of said property would be beneficial to said family ; and the said judge of probate, if the said proof be satisfactory to him, shall make an order directing the mode of sale, disposition or change of said property.

SEC. 2. *And be it further enacted,* That hereafter the head of the family or any member thereof, at the instance of the family, may, without consulting the judge of probate, rent out the homstead belonging to the family, and the proceeds of the same shall be for its use and shall not be subject to garnishment or any other legal process.

Mr. Talbert moved the previous question.

The yeas and nays were demanded.

The question—shall the main question be now put? was sustained. Yeas 57, nays 33.

Those who voted in the affirmative, are :

Messrs. Agee, Alldredge, Bell, Bishop, Brown, Burnett, Camp, Clifton, Cole, Cowan, Curry, J. W. Davis, Fletcher, Foreman, Foscue, Garth, Gibson, Gilbreath, Goodin, Gordy, Greene, Gil-lam, Hanserd, Hays, R. H. J. Holly,, Horn, Hubbard, Hum-phreys, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Newman, Odom, Owen, Pick-ett, Reynolds, Rhodes, Rutherford, Sanford, Scott, Skelton, St. John, Talbert, Vest, Watkins, Weaver, Whitsitt, Wills and Yeldell.

Those who voted in the negative, are :

Messrs. Speaker, Abercrombie, Belser, Benners, Calhoun, Car-roll, Cochran, Comer, Cook, Creagh, Ervin of Wilcox, Farrior, Bindley, Fox, Hall, Hatcher, Hill, A. Holly, Inge, Judge, Lindsey, McBryde, McCall of Barbour, Nelms, Payne, Phillips, Robinson, Shelly, Thornton, Todd, Walker of Mobile, Webb and Yel-verton.

Said bill was then ordered to a third reading on to-morrow.

Mr. Scott moved to suspend the call of the counties to take from the orders of the day the bill to divide the State of Alabama into seven congressional districts.

Said motion prevailed ; and,

On motion of Mr. Scott, the further consideration of said bill was postponed until Friday next, and made the special order for the hour of 12 o'clock, m., of that day.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the first special order

for that hour came up, it being the resolution offered by Mr. L. P. Walker, in relation to internal improvements, together with the amendments proposed thereto—which,

On motion of Mr. Creagh, the further consideration of said special order was postponed until Monday next, at 11 o'clock.

Mr. Percy Walker moved to suspend all the special orders of the hour to enable him to make a report.

The motion prevailed.

Mr. Percy Walker from the Committee on the Judiciary, to whom was referred the resolution in relation to the construction and bearings of the statute of limitations as found in section 2502 of the Code of Alabama, reported "a bill to repeal section 2502 of the Code of Alabama, and to define the operation of the statute of limitations;" and also submitted the following

#### REPORT:

The following resolution was referred to the Committee on the Judiciary of the House of Representatives:

"As great difference of opinion exists in the legal profession throughout the State as to the construction and bearings of the statute of limitations, as found in section 2502 of the new Code of Alabama—

*Be it resolved*, That the Judiciary Committee of the House of Representatives of said State take said section under advisement, and report, at their earliest convenience, a declaratory bill thereupon to this House.

The committee has given the subject that consideration which its importance demanded, and instruct me to report, that the difference of opinion as to the construction and bearings of said statute, seems to have arisen from three causes:

I. From overlooking the saving in the repealing clause in section 10 of the Code, and thereby considering all the former statutes of limitations as repealed by the Code;

II. From the mistaken opinion that the Code, in repealing any of the former statutes of limitations, effaced the time which had run under the former statutes;

III. From the equally mistaken opinion that the prescriptions under the Code commenced running only from the time that the Code went into operation, save as to the exceptions in section 2502; and that therefore, until the prescriptions under the Code create a bar, commencing only from the time the Code went into operation, there would be an interregnum from one to twenty years, as the case might be, during which there would be no statute of limitations in force.

These views are, in the opinion of the committee, falacious and unfounded, either in law or in fact.

What is the effect of the repealing clause in section 10 of the new Code upon the former statute of limitations?

This clause declares that "all acts of a public nature, designed to operate on all the people of this State, not embraced in this Code, are hereby repealed.

Most of the causes of action barred by the former statute in six years, all of those barred in five and three years, causes of actions on judgment and decrees, actions of slander, the ten years prescription in real actions, are under the same limitation by the provisions of the Code as they were under the former statutes.

These former statutes, then, as to these causes of action and possession, are clearly embraced in this Code; and, being so embraced, they are excepted from the repealing clause in section 10. But without this saving in the repealing clause, the difficulty in the application of the statute of limitations to these causes of actions is imaginary.

The prescriptions in chapter 21, title 1, part 3, are retrospective by the express terms of section 2502.

The time which has run under the former statutes is not effaced by the passage of the new law, unless the legislature in enacting the new, repeal the old law, and limit the new law to take effect only from its passage.

This has not been done in the case before us. The new law is expressly declared to "apply to all subsisting causes of action, except, &c." Thus the new prescription attaches itself to the time which has run under the former statute; and the bar is complete at the expiration of the time limited by the new law, computing that time from the accrual of the cause of action or possession, and not from the time the Code went into operation.

Has the legislature the power to pass laws effecting prescriptions to act retrospectively?

Most unquestionably this power has repeatedly received the sanction of our supreme court, of the supreme court of the United States, of the courts of many of our sister States, and of the standard law writers. The only restrictions upon this power being, that the legislature shall pass no such law violative of "vested rights" or impairing the obligation of contracts, and that "reasonable notice" be given to the public of any change of prescription, that all may see, who will, before the law making such change shall take effect.

No one has a "vested right" in a remedy in prescription before such prescription is sought to be made available.

The prescription is no part of the contract. This principle of law has been so long settled as not now to be questioned—hence, a law changing the prescription does not "impair the obligation of contracts."

The changes in prescriptions made by the Code were suspended for one year from the time the Code went into operation,—thus the "reasonable notice" was given.

Apply the rules above given to any cause of action, whose pre-

scription has not been changed by the Code, or to any cause of action or possession whose prescription has been changed by the Code, save that class included in the exceptions in section 2502, and there will be no difficulty in ascertaining the "construction and bearings" of the statute of limitations as to it.

Let us now examine the "construction and bearings" of the statute in connection with the causes of action and possessions included in the exceptions in section 2502.

"The provisions of the chapter applying to all subsisting causes of action, except such as suits have commenced upon and are now pending, and those upon which suits may be commenced within one year from the time this Code goes into operation."

As we have already seen by far the greater portion, even of those excepted causes of action, are unaffected by the provisions of chapter 21, because the prescription is not changed as to them, and the saving in section 2502 only excepts them from the operations of the provisions of chapter 21, and does not except them from the operations of the saving in the repealing clause of section 10.

As to those in which the prescription has been changed, that change was held in abeyance for "one year;" in those not sued on before the 17th day of January, 1854, and was and is forever inoperative in those which were, or may be sued on prior to that day.

Again: section 12 of the Code provides, "no action or proceeding commenced before the adoption of this Code is affected by its provisions."

In the opinion of the committee, the words "the adoption of this Code" in said section, are to be understood as relating to the time when the Code went into operation, and not to the date of its adoption by the legislature.

Thus we see that even in causes of action, as to which the prescription has been changed by the Code, the said changes are not operative on those in suit when the Code went into operation as declared by section 2502, and so much of section 10 as repeals all public acts not embraced in this Code, does not, as declared by section 12, affect any "action or proceeding commenced before the adoption of this Code." The only conclusion to be arrived at is, that the former statutes as to this class of causes of action and possessions remain in force.

This view of the "construction and bearings of the statute of limitations," leaves but one class of causes of action and possessions unprovided for, and here is to be found the only real difficulty in the bearings of the statute.

There is no statute of limitations now in force applicable to those causes of actions and possession, on which suit has been brought since the 17th day of January, 1853, as to which the prescription has been changed by the code.

Wherever the prescription has been changed by the Code, the former statutes of prescriptions are clearly "not embraced" therein. They are therefore repealed by section 10; the new prescriptions are contained in chapter 21, and by the express terms of section 2502, the provisions of chapter 21 do not apply to causes of action in suit on the 17th day of January, 1853, or those on which suit may be commenced within one year from that time. That section 2502 places beyond the reach of the new prescription these three classes of cases. Section 10 repeals the former statutes which govern them, because said former statutes are not embraced in the Code. Section 12 comes to the aid of all actions on proceedings commenced before the adoption of the Code, and by declaring that these shall not be effected by its provisions, it continues the former statutes as to them. But no statute of limitations, we have said, either the old or the new, is applicable to those causes of actions or possessions in which the prescription has been changed, and which have been sued on between the 17th day of January, 1853, and the 17th day of January, 1854.

Your committee is apprised of no inconvenience which has yet arisen in the administration of the law under this state of facts, and it is entirely within the power of the legislature to obviate the difficulty for the future, by reviving and continuing in force the former statute of limitations as to this class of cases until they shall have been finally disposed of by the courts.

And we here repeat, that this omission from prescription only attaches to those causes of action which are in suit up to the 17th day of January, 1854, by actions commenced since the 17th day January, 1853.

We have thus seen, that by far the greater number of causes of action are unaffected by the provisions of the Code, because the prescriptions as to them are unchanged, and the former statutes are therefore unrepealed.

Those in which the prescriptions have been changed, and which have not been or are not put in suit before the expiration of the "one year," will, after that time, be subject to the new prescriptions, and those in which the prescriptions have likewise been changed, and which have been sued on within the said "one year," can be provided for as above indicated, by continuing in force the former statutes until this class of cases have been finally disposed of by the courts. This done, and all supposable cases of actions will have been fully provided.

The committee is instructed by said resolution to "report a declaratory bill," on the matters referred to it.

A law passed by one legislature declaratory of the intention of a former legislature, does not preclude the courts from judging for themselves of the intention of the said former legislature, nor, in the opinion of the committee, is a declaratory bill called for in the present instance.

The intention of the legislature of 1851-'2 is apparent on the face of the Code, and that intention is to be ascertained by applying the settled rules for the construction of statutes.

In lieu of a declaratory law, the committee has prepared the accompanying bill as a substitute for section 2502 of the Code. In preparing this bill, the committee seek what is deemed to be the intention of the legislature which adopted the Code, with the general principles of law governing the construction of retrospective statutes of limitation, and it has further supplied the sole omission made by the Code.

The committee, therefore, instructs me to report the accompanying bill, and recommend its passage, with the further recommendation that the action of the legislature, if it be practicable, be so ordered that the bill may be passed by the 17th inst., the day on which the notice given by section 2502 expires.

The said bill was read a second and third times, under a suspension of the constitutional rule.

Mr. Benners moved to amend said bill by a substitute entitled a bill to repeal section 2502 of the Code, and to modify the operation of the statutes of limitation; and pending the adoption of which, the House adjourned until to-morrow morning at 10 o'clock.

SATURDAY, January 14, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Messrs. Fox and Creagh for ten days.

Mr. Hanserd moved to suspend the call of counties, to take up the resolution amending the rules of the House.

The motion was lost.

Mr. Payne moved to suspend the call of counties to take from the orders of the day sundry bills, and to enable Mr. Hall to introduce a bill.

Mr. Curry moved to amend said motion by suspending the call of counties generally.

The motion of Mr. Curry prevailed; and

The Senate bill,

Entitled an act to authorise the judge of the county of Macon to grant letters of administration, &c., was read the second and third times, under a suspension of the constitutional rule, and passed.

The bill to be entitled an act to remove the Colbert Shoals, in the Tennessee river, was read the second time and referred to the Committee on Internal Improvement.

Mr. Hall introduced a bill to incorporate the Wetumpka and Montgomery Rail Road Company; which, under a suspension of the constitutional rule, was read the first and second times and referred to the Committee on Internal improvement.



Mr. L. P. Walker, with leave of the House, introduced a bill to be entitled an act to define the powers of circuit judges in certain cases; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Cochran, with leave of the House, presented the petition of Sterling Bass of Barbour county, for compensation for services in arresting the small pox; which was referred to the Committee on Propositions and Grievances.

Mr. Lindsey, with leave of the House, introduced a bill for the relief of Susan Saltzer; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Yelverton, with leave of the House, introduced a bill to provide a more easy and convenient mode of proving open accounts, so as to make them evidence in all courts of the State, and before justices of the peace; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Yelverton, with leave of the House, introduced a bill to be entitled an act to authorise and require patents to issue for 16th section lands in certain cases, and for other purposes; which, under a suspension of the constitutional rule, was read the first and second times and referred to the Committee on the Judiciary.

Mr. Yelverton, also with leave of the House, introduced a bill to be entitled an act to authorise the building of a free bridge across Pea river, at the town of Elba, in Coffee county, and for other purposes; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Roads, Bridges and Ferries.

A communication was received from his Excellency the Governor, by Mr. Clitherall, his private secretary; which was laid upon the table.

Said communication is as follows:

EXECUTIVE DEPARTMENT,  
Montgomery, January 14, 1854.)

HON. W. M. GARRETT,

Speaker of the House of Representatives:

SIR: I have on this day received the resignation of the Hon. E. D. Townes, chancellor of the northern chancery division, to take effect on the 15th day of February next.

Respectfully,

JOHN A. WINSTON.

(SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the special order for that hour was taken up; when

On motion of Mr. ——— all the special orders for the hour were suspended, except the bill to provide for the geological survey of the State, and the bill in relation to the statute of limitation.

The House then proceeded to the consideration of the bill to provide for a geological survey of the State.

The question being on the adoption of the amendment proposed by Mr. Cochran to the amendment of Mr. Foscue,

Said amendment was adopted.

Mr Foscue moved to amend the bill by striking out "three," before "thousand," and insert "two," instead.

Mr. Greene moved to amend said amendment by striking out 2000 and inserting 1500.

Said amendment was lost.

The question then recurred on the amendment of Mr. Foscue; and the same was adopted.

Mr. L. P. Walker moved to amend said bill by adding after 2d section a proviso as follows:

"Provided the Governor is hereby requested to appoint a geologist under the provisions of this act, in the event the said Toumey shall decline the appointment, or there should thereafter occur a vacancy."

Said amendment was adopted.

Mr. Hall moved to amend (to come in after the words State geologist,) as follows: "who shall receive fifteen hundred dollars per annum for his services, provided he shall at the same time retain his position as professor of the University; but should it be necessary to resign as professor, then he shall receive three thousand dollars per annum.

Mr. Greene moved to lay said bill and amendment on the table, and the yeas and nays were demanded.

Said motion was lost. Yeas 33, nays 59.

Those who voted in the affirmative are:

Messrs. Alldredge, Allen, Carroll, Clifton, Cowan, J. W. Davis, Fletcher, Garth, Gibson, Gillam, Green, Hays, A. Holly, Horn, Irwin of Walker, Lawrence of Fayette, McBryde, McCall of Choc-taw, Murphy, Musgrove, Newell, Newman, Odom, Payne, Reynolds, Robinson, Sanford, Scott, Skelton, St. John, Talbert, Todd and Vest.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Curry, Ervin of Wilcox, Harrior, Findley, Foreman, Foscue, Goodin, Gordy, Hall, Hanserd, Hatcher, R. H. J. Holly, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McCall of Barbour, Meek, Nelms, Owen, Phillips, Pickitt, Rhodes, Rutherford, Shelly, Thornton, Walker of Lauderdale, Walker of Mobile, Ward, Weaver, Webb, Whitsitt, Wilkins, Yeldell and Yelverton.

The question then recurred upon the amendment of Mr. Hall, and the same was adopted.

Mr. Curry moved to amend as follows:

*"And be it further enacted, That the State Geologist, during his excursions through the State, shall occasionally deliver lectures or addresses on the science of geology and agricultural chemistry, explaining their objects and economical advantages."*

Mr. Greene moved to amend the amendment of Mr. Curry as follows:

*"Provided further, That he shall deliver said addresses in each county of the State."*

Said amendment was lost.

The question then recurred upon Mr. Curry's amendment, and the same was adopted.

Mr. Hill moved to amend the bill as follows:

*"And be it further enacted, That said geological and agricultural survey of this State shall be made in the counties of this State in alphabetical order."*

Said amendment was lost.

Mr. Benners moved to amend as follows:

*"Provided further, That such report shall be the property of the State."*

Said amendment was adopted.

Mr. Alldredge moved to amend as follows:

Toumey retains a position as professor in the University, then, and in that case, the Governor shall employ some other competent geologist.

Mr. Curry moved to re-commit the bill with all the amendments to the Committee on Internal Improvement, with instructions to report on Monday, at half after 10 o'clock, a. m.

*"SEC. —. Be it further enacted, That in the event professor The motion prevailed."*

The House then resumed the consideration of the bill to repeal section 2502 of the code of Alabama, to define the operations of the statute of limitations; the question being upon the adoption of the amendment proposed by Mr. Benners,

Mr. Judge moved to amend said amendment by adding the following:

And the time which has elapsed since the repeal of said statutes shall be computed in all cases to which they are hereby made applicable, as though they have never been repealed.

Said amendment was accepted by Mr. Benners.

Mr. L. P. Walker moved to refer the bill and amendment to a select committee of nine, with instructions to report thereon on Tuesday next.

Said motion was lost.

The question then recurred on the adoption of the substitute offered by Mr. Benners, and the same was adopted.

Mr. Cochran moved to strike out the first section of the bill and insert the following, to-wit:

That in all cases which are left without a statute of limitations by the exception in section 2502 of the code of Alabama, the statute of limitations in force at the time of the adoption of the code is, as to such cases, hereby declared to be in force: *Provided*, Nothing herein contained shall in any case prolong the limitation of said statute thus declared in force in such cases.

And the yeas and nays were called for on the adoption of said amendment.

Said amendment was adopted—Yeas 43, nays 37.

Those who voted in the affirmative, are:

Messrs. Alldredge, Bell, Bishop, Camp, Clifton, Cochran, Comer, Cowan, J. W. Davis, Farrior, Findley, Fletcher, Foscue, Hall, Hays, Hill, Humphreys, Jay, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Newman, Owen, Reynolds, Rhodes, Robinson, Sanford, Scott, St. John, Skelton, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Belser, Benners, Brown, Burnett, Camp, Calhoun, Cook, Curry, Ervin of Wilcox, Foreman, Gillam, Goodin, Hanserd, Hatcher, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, Nelms, Odom, Payne, Pickett, Phillips, Rutherford, Shelly, Watkins, Webb, Whitsitt and Yeldell.

Mr. Rhodes, who voted with the majority, moved to reconsider the vote just taken on the adoption of Mr. Cochran's amendment.

Mr. Meek moved to lay the motion to reconsider on the table.

Said motion was lost.

The question then recurred on the motion of Mr. Rhodes to reconsider.

The yeas and nays were demanded.

The motion to reconsider prevailed—Yeas 41, nays 40.

Those who voted in the affirmative, are:

Messrs. Agee, Belser, Benners, Brown, Burnett, Camp, Calhoun, Carroll, Cook, Curry, Ervin of Wilcox, Foreman, Gillam, Gordy, Hanserd, Hatcher, R. H. J. Holly, A. Holly, Horn, Hubbard, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McCall of Choctaw, Nelms, Odom, Phillips, Payne, Pickett, Rhodes, Rutherford, Shelly, Ward, Watkins, Whitsitt, Webb and Yeldell.

Those who voted in the negative are:

Messrs. Speaker, Alldredge, Bell, Bishop, Clifton, Cochran, Comer, Cowan, J. W. Davis, Farrior, Findley, Fletcher, Foscue, Hall, Hays, Hill, Humphreys, Jay, Lawrence of Fayette, McBryde, McCall of Barbour, Meek, Murphy, Musgrove, Newell, Newman, Reynolds, Robinson, Sanford, Scott, Skelton, St. John, Talbert, Thorn-

ton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Yeldell.

Mr. Jay moved to suspend the consideration of the bill to enable him to offer a resolution amendatory to the rules of the House.

Said motion was lost.

Mr. Inge moved to adjourn until to-morrow at 10 o'clock, and the yeas and nays were demanded.

Said motion was lost—Yeas 34, nays 45.

Those who voted in the affirmative, are:

Messrs. Agee, Carroll, Clifton, Comer, Cowan, Cook, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Hall, Hanserd, Hays, Hill, Humphreys, Inge, McBryde, McCall of Barbour, Meek, Murphey, Odom, Robinson, Rutherford Scott, Skelton, Todd, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Whitsitt, Weaver and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun Cochran, Farrior, Foreman Foscue, Gillam, Goodin, Hatcher, R. H. J. Holly, A. Holly, Hubbard, Horn, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Choctaw, Musgrove, Nelms, Newell, Payne, Phillips, Pickett, Rhodes, Reynolds, Sanford, Shelly, St. John, Talbert, Thornton, Vest, Webb and Yeldell.

The question again recurred on the adoption of the amendment proposed by Mr. Cochran.

Mr. Judge then moved the previous question.

Mr. Meek, at twenty-five minutes after 2 o'clock, moved to adjourn until to-morrow at 10 o'clock, and the yeas and nays were demanded.

Said motion was lost—Yeas 33, nays 40.

Those who voted in the affirmative, are:

Messrs. Speaker, Bishop, Carroll, Clifton, Cochran, Comer, Curry, Cowan, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Gillam, Hall, Hanserd, Hays, Hill, Horn, Humphreys, McCall of Barbour, Meek, Murphey, Newman, Robinson, Scott, Skelton, Todd, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Weaver and Yelverton.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Bell, Benners, Brown, Burnett, Camp, Cochran, Cook, Farrior, Foreman, Foscue, Goodin, Hatcher, R. H. J. Holly, A. Holly, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Choctaw, Musgrove, Nelms, Newell, Payne, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Sanford, Shelly, Talbert, Thornton, Vest, Webb and Whitsitt.

Mr. Percy Walker moved to postpone the further consideration of the bill and amendments until Monday next.

Mr. Curry, at half-past 2 o'clock, moved to adjourn until tomorrow 10 o'clock, and the yeas and nays were demanded.

Said motion was lost—Yeas 35, nays 45.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Bishop, Burnett, Carroll, Clifton, Comer, Cochran, Cowan, Cook, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Hall, Hanserd, Hill, Horn, Humphreys, McBryde, McCall of Barbour, Meek, Murphy, Nelms, Robinson, Rutherford, Scott, Skelton, Todd, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Yelverton.

Those who voted in the negative are:

Messrs. Aldredge, Bell, Belser, Benners, Brown, Camp, Cochran, Farrior, Foreman, Foscue, Gillam, Goodin, Hatcher, Hays, R. H. J. Holly, A. Holly, Hubbard, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Choctaw, Musgrove, Newell, Newman, Odom, Payne, Phillips, Pickett, Reynolds, Rhodes, Sanford, Shelly, St. John, Talbert, Thornton, Ward, Webb, Whitsitt and Yeldell.

The question recurred on the motion of Mr. Percy Walker to postpone until Monday next; when,

Mr. J. W. Davis moved to postpone until Tuesday week.

Mr. Bell, at twenty-five minutes before three o'clock p. m., moved to adjourn until Monday morning 10 o'clock, and the yeas and nays were demanded.

Said motion was lost—Yeas 26, nays 49.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Carroll, Clifton, Cochran, Comer, Cowan, Cook, J. W. Davis, Findley, Fletcher, Hall, Hanserd, Hill, Horn, McCall of Barbour, Meek, Murphy, Newman, Robinson, Scott, St. John, Todd, Walker of Mobile, Watkins and Weaver.

Those who voted in the negative are:

Messrs. Aldredge, Bell, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Curry, Ervin of Wilcox, Farrior, Foreman, Gillam Goodin, Hatcher, Hays, R. H. J. Holly, A. Holly, Humphreys, Hubbard, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Phillips, Pickett, Reynolds, Rutherford, Sanford, Shelly, Skelton, Thornton, Vest, Walker of Lauderdale, Ward, Webb, Whitsitt, Yelverton and Yeldell.

Mr. L. P. Walker, moved to reconsider the vote just taken refusing to adjourn.

Mr. Lindsey made the following point of order:

That a motion to reconsider the vote to adjourn is out of order.

Said motion was overruled by the chair.

Mr. Meek then moved, at five minutes past 3 o'clock, to adjourn until Monday morning 10 o'clock, and the yeas and nays were demanded.



Said motion was lost—Yeas 34, nays 42.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Burnett, Carroll, Clifton, Cochran, Comer, Cowan, Cook, J. W. Davis, Findley, Fletcher, Foscue, Gillam, Hall, Hanserd, Hill, R. H. J. Holly, Horn, Humphreys, McCall of Barbour, Meek, Murphy, Newman, Payne, Robinson, Scott, St. John, Todd, Walker of Mobile, Ward, Weaver, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Alldredge, Bell, Benners, Bishop, Brown, Camp, Calhoun, Curry, Farrior, Foreman, Goodin, Greene, Hatcher, Hays, A. Holly, Hubbard, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Musgrove, Newell, Odom, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Sanford, Shelly, Thornton, Vest, Walker of Lauderdale, Webb and Whitsitt.

Mr. L. P. Walker then moved to reconsider the vote just taken.

Mr. Curry raised a point of order, that a question having been taken on a motion to adjourn, it is not in order to move a reconsideration of that vote.

The chair overruled the point, because the practice has been, under the 20th rule of the House, to entertain such a motion.

From this decision of the chair, Mr. Curry appealed.

Mr. Burnett, at 3 o'clock, moved to adjourn until Monday morning 10 o'clock, and the yeas and nays were demanded.

Said motion prevailed—Yeas 38, nays 36.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, J. W. Davis, Findley, Fletcher, Foreman, Foscue, Gillam, Goodin, Hall, Hanserd, Hill, R. H. J. Holly, Humphreys, McCall of Barbour, Murphy, Musgrove, Newell, Odom, Payne, Reynolds, Robinson, Scott, Skelton, St. John, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Yelverton.

Those who voted in the negative are:

Messrs. Alldredge, Bell, Benners, Bishop, Brown, Camp, Calhoun, Ervin of Wilcox, Farrior, Green, Hatcher, Hays, A. Holly, Horn, Hubbard, Inge, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Meek, Phillips, Pickett, Rhodes, Rutherford, Sanford, Shelly, Talbert, Webb, Whitsitt and Yeldell.

And the House then adjourned until Monday morning, 10 o'clock.

MONDAY, January 16, 1854.

The House met pursuant to adjournment.

The chair announced the first business to be the appeal taken by Mr. Curry from the decision of the chair, that under the practice of former speakers, under the 20th rule of the House, a motion

to reconsider a vote taken upon a motion to adjourn is in order; and the question having been taken, "shall the decision of the chair stand as the judgment of the House?" it was decided in the negative.

So the House decided that a motion to reconsider a vote taken upon a motion to adjourn is not in order.

The Senate bills:

To amend an act entitled an act to incorporate the Coosa and Chattooga River Rail Road Company, approved January 6, 1852;

To amend the charter of the LaFayette Branch Rail Road Company, were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvement.

The Senate bill to amend the charter of the Mobile and New Orleans Rail Road Company, approved December 24, 1851, was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Camp moved to amend the bill by way of engrossed rider as follows:

*Provided*, That the guage of the said road be the same as that of the North-east and South-west Rail Road.

The House refused to order the same to a second reading, and the bill was passed.

Mr. Cochran, with leave of the House, introduced a bill to be entitled an act to incorporate the Eufaula Insurance Company; which was read, and the constitutional rule being suspended, it was read the second and third times and passed.

Mr. L. P. Walker, with leave of the House, introduced a bill to be entitled an act to explain and amend sections 2027 and 2029 of the Code; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

#### SPECIAL ORDERS.

The hour of half-past ten o'clock having arrived, Mr. Curry, from the Committee on Internal Improvement, to whom was re-committed the bill to authorize a geological survey of the State, reported a substitute therefor; which was adopted, and the bill as amended was ordered to be engrossed for a third reading on tomorrow.

Bills were introduced by

Mr. Burnett, a bill to be entitled an act to prevent paupers of one county from becoming a charge upon another; which was read and ordered to a second reading.

Mr. Lawrence of Cherokee, a bill for the relief of Robert S. T. Henderson.

Mr. Yelverton, a bill to repeal sections 939, 940 and 941 of the Code of Alabama, and for other purposes;

Mr. Lindsey, to extend the applications of section 2896 of the Code of Alabama to actions commenced before a justice of the peace;

Also, to amend sub-division 17, of section 391 of the Code of Alabama;

Mr. Inge, to compensate jurors summoned and serving as such in the probate courts;

Mr. Foscue, to amend section 985 of the Code;

Mr. Agee, to authorize guardians to hire the slaves of their wards privately; which were severally read the first time and ordered to a second reading on to-morrow.

Mr. McCall of Choctaw introduced a bill to be entitled an act in relation to bail in civil cases.

Mr. Thornton presented the petition of citizens of Clarke county against camp hunting.

Mr. Weaver introduced a bill to regulate the tolls on certain plank roads in this State.

Mr. Newman introduced a bill to compel commissioners of the county court to attend their courts.

Said bills were severally read the first and second times, under a suspension of the constitutional rule, and referred, together with said petition, to the Committee on the Judiciary.

Mr. Jay, with leave of the House, offered the following resolution; which was ordered to lie over one day:

*Resolved*, That the House, after to-day, hold two sessions daily, morning and evening—morning session from 10 a. m. to 1 p. m.; evening session from 3 p. m. to 5 p. m.

Mr. Newman introduced a bill to be entitled an act for the relief of certain citizens of Cherokee county; which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of the delegation from the counties of DeKalb and Cherokee.

Mr. Watkins presented the petition of John W. Harris, B. Wilson, Clarke Bobo, A. Johnson and forty-three others of Franklin county, on the subject of an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Watkins introduced a bill to amend the laws in relation to insolvent estates; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Inge introduced a bill to authorize John C. Whitsitt to erect gates across a road therein named; which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Vest introduced a bill to be entitled an act supplemental to and amendatory of the existing laws exempting property from distress and levy; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Cowan introduced a bill to establish a medical board in Bellefonte, Jackson county; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations; also,

A bill to provide for the preservation of "newspapers" containing the advertisements from the orphans' court; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Scott introduced a bill defining the boundaries of a new election precinct in the county of Jackson, and for other purposes; which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the special order for that hour was taken up—when,

On motion of Mr. Judge, the same was suspended to continue the call of the counties.

Mr. Rhodes presented the account of Wm. P. Pettus; which was referred to the Committee on Accounts.

Mr. L. P. Walker moved to suspend the call of the counties to take from the orders of the day a Senate bill for the relief of Charles Gookin.

Said motion prevailed, and the bill was read the second time and referred to a select committee composed of one from each judicial circuit.

Messrs. L. P. Walker, Weaver, Phillips, Benners, Humphreys, Meek, Whitsitt, Judge and Curry were appointed said committee.

Mr. Allen introduced a bill in reference to the disposition of the sixteenth section fund; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Sixteenth Sections.

Mr. Humphreys introduced a bill for the preservation of fish in the smaller water streams in the State of Alabama; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Musgrove presented the account of Miles Rea, jailor of Marion county; which was referred to the Committee on Propositions and Grievances.

Mr. Fletcher, with leave of the House, offered the following resolution; which was adopted:

*Resolved*, That the Committee on the Judiciary inquire whether sheriffs, returning officers and superintendants of elections generally, are authorized to vote before a tie, and then in the event of a tie, required to untie, and to report by bill or otherwise.

Mr. Percy Walker introduced a bill in reference to the fees of

the judge of probate of Mobile county, and for other purposes; which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

A message from the Governor:

Mr. Speaker: His excellency the Governor has approved the following bills, which originated in the House:

An act to amend and enlarge the chartered powers of the corporation of Talladega, and to define the same with greater certainty;

An act to divorce certain persons therein named;

An act defining the duties of tax collector in certain cases;

An act to amend the charter of the Gainesville and Mississippi Rail Road Company;

An act to regulate the system of common schools in the county of Mobile.

Mr. Percy Walker presented the petition of George N. Stewart, D. C. Anderson, A. R. Manning and others, for an act regulating the circuit and city courts of Mobile; which was referred to a select committee composed of the delegation from the county of Mobile.

The Senate joint memorial to the Congress of the United States, was read and referred to the Committee on Internal Improvement.

Mr. Agee introduced a bill to aid the Girard Rail Road Company; which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the Committee on Internal Improvement.

Mr. Belser presented the petition of Lewis E. Staples and fifty-two others, praying the passage of an anti-license law; which was referred to the Committee on Temperance.

Mr. Judge introduced a bill to be entitled an act declaratory of the general jurisdiction of the courts of chancery; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Judge introduced a bill to give the State a lien on money belonging to the State in the hands of its agents; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on the Judiciary.

Mr. Judge also introduced a bill to incorporate the Southern Insurance Company; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Cole introduced a bill to prevent the poisoning of fish in this State.

Mr. McBryde introduced a bill to amend section 2466 of the Code of Alabama.

Said bills were severally read and ordered to a second reading.

Mr. Sterritt introduced a bill for the relief of L. D. Hall of Shelby county and his securities; which was read the first and

second times, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Sterritt presented the memorial of Horace Ware; which was read and referred to the Committee on Propositions and Grievances.

Mr. Whitsitt introduced a bill to authorize John C. McGrew to erect gates across a road therein mentioned; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Roads, Bridges and Ferries.

Mr. Bishop, with leave of the House, offered the following resolution:

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of repealing the law licensing the sale of spirituous liquors, and of taxing all liquors sold in proportion to the quantity and value of such liquors so sold, and that they report by bill or otherwise; which was lost.

Mr. Brown introduced a bill in regard to chancellors making orders and decrees in vacation; which was read the first and second times, under a suspension of the rule, and referred to the Committee on the Judiciary.

The following message was received from his excellency the Governor:

Mr. Speaker: His excellency the Governor has approved the following bill, which originated in the House:

An act for the relief of Wm. B. Ray, tax collector for Montgomery county.

Mr. Ervin of Wilcox moved that when the House adjourn, it meet again at three o'clock this evening, for the purpose of disposing of the calendar.

Said motion prevailed.

Mr. Owen, from the Select Committee, composed of the delegation from the county of Mobile, to whom was referred a bill to regulate the harbor master and port wardens of the port of Mobile, reported back amendments thereto.

Said amendments were adopted, and the bill as amended was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Laughinghouse, from the Select Committee, composed of the delegation of Madison county, reported back a substitute for the Senate bill to amend the charter of the town of Huntsville, and for other purposes.

Said substitute was adopted, and the bill as amended was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Pickett moved to suspend the order of business, in order to dispose of the special order entitled a bill to change the time of holding the courts of the fourth judicial circuit of the State of Alabama.



The motion prevailed, and said bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Speaker laid before the House an invitation from the Alabama State Colonization Society to attend a meeting to be held this evening at 7 o'clock, at the Methodist Church.

Mr. Alldredge moved to suspend the order of business to proceed to the consideration of the special order, entitled a bill to reduce the number and increase the salaries of the judges of the supreme court.

Said motion prevailed.

Mr. Alldredge moved to amend said bill by striking out the words "five hundred," where they occur in the the third section of said bill.

Said motion was lost.

Mr. Green moved to reconsider the vote just taken, and demanded the yeas and nays.

The motion prevailed—Yeas 38, nays 34.

Those who voted in the affirmative, are:

Messrs. Alldredge, Bishop, Camp, Clifton, Comer, Curry, J. W. Davis, Fletcher, Foreman, Gillam, Goodin, Greene, Hanserd, Henry, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Irvin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, Murphy, Newell, Newman, Odom, Reynolds, Sanford, Scott, St. John, Sterritt, Thornton, Vest and Ward.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Calhoun, Carroll, Cole, Cook, Farrior, Foscue, Gibson, Gilbreath, Hatcher, Hall, Hill, Inge, Judge, McCall of Barbour, Meek, Owen, Payne, Phillips, Pickett, Rhodes, Robinson, Rutherford, Todd, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Whitsitt.

Mr. Belser moved to postpone indefinitely the further consideration of said bill and substitute.

Mr. L. P. Walker moved to amend said bill as follows:

*And be it further enacted,* That said judges shall reside at the seat of government of the State.

Pending which, the House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to the call:

Messrs. Speaker, Agee, Alldredge, Bell, Bishop, Brown, Camp, Calhoun, Clifton, Cochran, Cook, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Garth, Gib-

son, Gilbreath, Gillam, Hanserd, Hatcher, Henry, Hill, R. H. J. Holly, Horn, Hubbard, Humphreys, Inge, Irvin of Walker, Jay, Judge, McBryde, McCall of Choctaw, Murphy, Musgrove, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, Sanford, Shelly, Skelton, St. John, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Whitsitt and Wilkins—56.

Mr. Foscue then moved to take up the resolution amendatory of rules of the House, which is as follows:

*Resolved*, That after Monday, the 12th instant, this House meet at half-past 9 o'clock a. m., and adjourn at half-past 1 o'clock p. m.; and meet again at 3 o'clock p. m., and adjourn at 5 o'clock.

Mr. Foscue moved to amend said resolution by striking out "half-past 9," and insert "10 o'clock," and strike out "the 12th," where it occurs, and insert "the 17th."

Mr. L. P. Walker made the following point of order:

That as the resolution under which the House met again this evening declared the object to be to dispose of the calender, the resolution under consideration is out of order.

Mr. Speaker overruled said point of order on the ground that said resolution was a question pending when the House adjourned on a former occasion when the calender was under consideration.

From which decision Mr. Walker appealed, and the question: "Shall the decision of the chair stand as the decision of the House?" was put, and decided in the affirmative.

Mr. Inge moved to postpone the further consideration of said resolution until Monday next, and the yeas and nays were demanded.

Said motion was lost—Yeas 29, nays 47.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Bell, Belser, Cochran, Comer, J. W. Davis, Findley, Foreman, Gillam, Hill, Humphreys, Inge, Judge, McBryde, McCall of Barbour, Meek, Odom, Owen, Pickett, Robinson, Shelly, St. John, Sterritt, Todd, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Brown, Burnett, Camp, Calhoun, Clifton, Cook, Curry, Ervin of Wilcox, Farrior, Fletcher, Foscue, Garth, Gibson, Gilbreath, Gordy, Hanserd, Hatcher, Henry, R. H. J. Holly, Horn, Hubbard, Irvin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Payne, Phillips, Reynolds, Rhodes, Sanford, Scott, Skelton, Talbert, Thornton, Vest, Ward, Webb, Wilkins, Yeldell and Yelverton.

The question then recurred on Mr. Foscue's motion to amend.

Mr. Judge called for a division of the question, and the question was first taken on striking out "12th;" which was carried.

Mr. Judge then moved to fill the blank with "twenty-three;" which was carried.

The question was then put on striking out "half-past 9," and inserting "10 o'clock;" which was carried.

Mr. Percy Walker then moved to amend said resolution as follows:

And every alternate afternoon session, after the 28d instant, shall be devoted to receiving reports of standing committees.

Said amendment was adopted.

Mr. Shelly then moved to amend said resolution by striking out all after the word "resolved;" of the original resolution, and insert as follows:

That from and after the 23d instant, this House shall meet at 10 o'clock a. m., and at 3 o'clock p. m.

Said amendment was adopted.

The resolution as amended was then adopted.

Mr. Pickett moved to suspend the order of business to resume the consideration of the bill to repeal section 2502 of the code, and modify the operation of the statute of limitations.

Said motion prevailed.

Mr. J. W. Davis then withdrew his motion to postpone the further consideration of said bill until Tuesday week.

Mr. Percy Walker then withdrew his motion to postpone the further consideration of the said bill until Monday.

Mr. Judge then withdrew his call for the previous question.

The question then recurred upon the adoption of the amendment proposed by Mr. Cochran.

Mr. L. P. Walker then made the following point of order:

That as the resolution referred to the Committee on the Judiciary, and upon which they reported a bill, required them to report a declaratory law upon the subject of the statute of limitations; that the bill reported by the committee being a new law, and not explanatory or declaratory of any pre-existing law, it is therefore out of order.

Which was overruled by the chair on the ground that, although the bill reported by the committee was not in strict pursuance of the resolution of instructions, yet the House having received it and acted upon it by considering and adopting a substitute proposed in the full form of parliamentary proceedings, it thereby became the bill of the House.

Mr. Yelverton moved to postpone indefinitely the further consideration of the bill and amendments, and the yeas and nays were demanded.

Said motion was lost—Yeas 36, nays 51.

Those who voted in the affirmative, are:

Messrs. Speaker, Allen, Bishop, Clifton, Cochran, Comer, Cowan, Ervin of Wilcox, Farrior, Findley, Foscoe, Garth, Gilbreath, Gillam, Gordy, Hall, Hill, Humphreys, Irwin of Walker, Lawrence of Fayette, Murphy, Musgrove, Newell, Newman, Owen, Reynolds, Robinson, Scott, Sterritt, Talbert, Thornton, Todd, Walker of Lauderdale, Weaver, Watkins and Yelverton.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Bell, Belser, Benners, Brown, Burnett, Camp, Calhoun, Cole, Cook, Curry, J. W. Davis, Foreman, Gibson, Goodin, Green, Hanserd, Hatcher, Henry, R. H. J. Holly, A. Holly, Hubbard, Inge, Jay, Judge, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Nelms, Odom, Payne, Phillips, Pickett, Rhodes, Rutherford, Sanford, Shelly, Skelton, St. John, Vest, Walker of Mobile, Watkins, Webb, Whitsitt and Yeldell.

The question again recurred upon Mr. Cochran's amendment, and the same was lost.

Mr. Meek then moved to amend said bill as follows:

*Provided*, That nothing in this act shall be so construed as to effect the rights of parties in any suits instituted before the passage of this act.

Mr. Pickett moved the previous question, and the question: "Shall the main question be now put?" was sustained.

The question then recurred on ordering the bill to a third reading.

Mr. Yelverton moved to adjourn until to-morrow morning 10 o'clock.

Mr. Speaker ruled said motion out of order, upon the ground that the call for the previous question had been sustained by four fifths of the members present, which cuts off not only amendments but all debate, and must be decided before a motion to adjourn can be in order;

From which decision Mr. Meek appealed to the House; and the yeas and nays were demanded.

And the question, "Shall the decision of the chair stand as the decision of the House?" was decided in the affirmative—Yeas 75, nays 11.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Allen, Bell, Belser, Benners, Brown, Burnett, Camp, Calhoun, Clifton, Cochran, Cole, Cook, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lindsay, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Owen, Payne, Phillips, Pickett, Reynolds, Rhodes, Rutherford, Robinson, Sanford, Scott, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Watkins, Weaver, Webb, Whitsitt and Yeldell.

Those who voted in the negative, are:

Messrs. Bishop, Comer, Cowan, Garth, Gilbreath, Hall, Henry, Meek, Walker of Lauderdale, Wilkins and Yelverton.

The question then recurred upon ordering said bill to a third reading, and the yeas and nays were demanded.

Said bill was ordered to a third reading—Yeas 59, nays 30.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Bell, Belser, Benners, Brown, Burnett, Camp, Calhoun, Cook, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Gibson, Gillam, Goodin, Greene, Hall, Hanserd, Hatcher, Henry, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Judge, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Nelms, Newell, Odom, Payne, Phillips, Pickett, Rhodes, Rutherford, Shelly, Sanford, Skelton, St. John, Watkins, Webb, Whitsitt and Yeldell.

Those who voted in the negative, are:

Messrs. Allen, Bishop, Clifton, Cochran, Comer, Cowan, Farrior, Garth, Gilbreath, Gordy, Lawrence of Fayette, Meek, Murphy, Musgrove, Newman, Owen, Reynolds, Robinson, Scott, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver, Wilkins and Yelverton.

The House then adjourned until to-morrow morning, at ten o'clock.

TUESDAY, January 17, 1854.

The House met pursuant to adjournment.

Mr. Carroll moved to suspend the call of counties, in order to take up the bill to repeal so much of the Code of Alabama as prohibits the circulation of bank bills of other States of a less denomination than five dollars.

Said motion prevailed.

The question then recurred on Mr. Carroll's motion to reconsider the vote taken on the passage of the bill;

And the House refused to reconsider said vote.

Mr. Percy Walker moved to further suspend the call of counties to enable the select committee raised to revive the chancery system of the State of Alabama to make a report; and the motion prevailed.

Mr. Percy Walker, from the committee to whom was referred the petition of Joseph W. Lesesne, Edward S. Dargan and others, praying the erection of a fourth chancery division;

And also, a bill to establish a fourth chancery division; reported back a substitute for said bill, "to be entitled an act to re-organize the chancery system of the State;" which was read.

Mr. Percy Walker then moved to postpone the further consideration of said bill and substitute until next Wednesday week, and to be made the special order for 12 o'clock, m. of that day.

Said motion prevailed.

Mr. Speaker laid before the House a memorial of Richard W. Anderson; which was referred to the Committee on the Judiciary.

A message was received from the Senate, as follows:

Mr. Speaker: The Senate has passed a bill to authorise the judge of probate of Lowndes county to order a special election for commissioners of roads and revenue for said county, amended as therein shown; caption also amended.

Mr. Inge moved to suspend the call of the counties to take from the orders of the day the engrossed bill to be entitled an act to repeal section 2502 of the Code, and to modify the statute of limitations.

Said motion prevailed, and said bill was read the third time, and passed.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Cochran presented the petition of Mrs. Ann Patterson and thirty-one other ladies of Barbour county, for an anti-liquor law;

Also, the petition of Penelope Musgrove and thirty other ladies, for an anti-liquor law; which were severally referred to the Committee on Temperance.

Mr. Weaver, with leave of the House, offered the following resolution, which was adopted, viz:

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the effect upon tax payers, of making two assessments of taxes for the year 1853, and that said committee be particularly required to examine what items of taxable property, if any, are, by the second assessment of the said year, required to pay a tax that was not contemplated to be paid, as the tax upon money loaned, negroes hired, &c., with leave to report by bill or otherwise.

Also, the following resolution, which was adopted, viz:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of further legislation to regulate the summoning, attendance and pay of witnesses in civil cases and State prosecutions, so as to provide that if more than two witnesses be summoned to prove one fact, no more than the attendance of two shall be taxed and paid by the defendant or the county. The cost shall become a county charge.

Mr. Newman offered a joint memorial and resolutions of the State of Alabama to the State of Georgia, on the subject of the Wills' Valley Rail Road. Pending which, the hour of 11 o'clock arrived, and the House resumed the consideration of the special order for the hour, it being the resolution offered by Mr. L. P. Walker upon the subject of internal improvement, together with the amendments proposed by Mr. Humphreys and Mr. Percy Walker; and also, the resolution offered by Mr. Camp.

All prior special orders being suspended, on motion of Mr. Humphreys for that purpose, and after some discussion thereon, the same, on motion of Mr. Hubbard, was ordered to lie on the table.

Mr. Newman moved to suspend the next special order, in order



to resume the consideration of the joint memorial of the State of Alabama to the State of Georgia.

Said motion prevailed, and the said memorial was adopted.

#### REPORT OF COMMITTEES.

Mr. Rhodes, from the Committee on Enrolled Bills, reported back the bill to amend the charter of the city of Tuscaloosa; and the act to repeal in part the patrol law of the counties of Marshall, DeKalb and Cherokee, and others, as being correctly enrolled.

Mr. Brown, from the Committee on Enrolled Bills, reported back as correctly enrolled,

A bill to incorporate the Baptist Male High School;

A bill giving the court of probate jurisdiction to compel the administrators and executors of a deceased executor, administrator or guardian, to settle the accounts of his testator or intestate, as the case may be;

A bill for the relief of Dr. Samuel Smith, of the city of Tuscaloosa.

The House then resumed the consideration of the special order entitled an act to incorporate the Central Bank of Alabama, with the amendments thereto, reported by the Committee on Banks and Banking.

The question being on the adoption of the first amendment proposed by said committee, to wit: to strike out of the fourth and fifth lines of section 1, the words "the city of Montgomery."

Mr. Brown moved to postpone said bill and amendments until next Monday, at 10 o'clock.

Said motion was lost.

Mr. Brown moved to re-commit the bill to said committee, with instructions to strike out the words "the city of Montgomery," where they occur in the first section of the bill.

Said motion was lost.

The question then recurred on the adoption of the amendment proposed by said committee, to strike out the words "the city of Montgomery;" and the yeas and nays were demanded.

The House refused to adopt said amendment; yeas 25, nays 60.

Those who voted in the affirmative, are:

Messrs. Brown, Carroll, Cole, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Foreman, Foscue, Goodin, Gordy, Hatcher, Henry, Inge, Lawrence of Fayette, Lawrence of Shelby, Newman, Phillips, Scott, Skelton, St. John, Sterritt, Talbert, Thornton and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge Bell, Belser, Bishop, Burnett, Camp, Calhoun, Clifton, Cochran, Comer, Cook, Curry, Farrior, Fletcher, Gibson, Gillam, Green, Hall, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Irwin of

Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Shelly, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Webb, Yeldell and Yelverton.

The question then recurred on the adoption of the amendment proposed by said committee to strike out the word "five," where the same occurs in rule 3, on page 16, and insert in lieu thereof the word "one;" and the yeas and nays were demanded.

Said amendment was adopted—Yeas 71, nays 13.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Green, Hall, Hatcher, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Scott, Shelly, Skelton, Talbert, Todd, Vest, Ward, Weaver, Webb, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Foscue, Gordy, Hanserd, Inge, Lawrence of Shelby, McCall of Choctaw, Meek, Sterritt, Thornton, Walker of Lauderdale, Walker of Mobile, and Whitsitt.

The question then recurred upon the adoption of the third amendment proposed by said committee, to wit: insert in section 13, after the word "proper," the words "provided that the defendant in such case shall have at least thirty days notice of such motion before the same is made, specifying what the demand is."

Said amendment was adopted; and

The question then recurred on ordering said bill for a third reading on to-morrow, and the yeas and nays were demanded.

Said bill was ordered to be engrossed for a third reading—Yeas 61, nays 24.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Bishop, Burnett, Camp, Calhoun, Carroll, Cole, Comer, Cook, Curry, W. P. Davis, Farrior, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Hall, Hatcher, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Humphreys, Inge, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Newman, Odom, Payne, Phillips, Pickett, Rhodes, Robinson, Rutherford, Sanford, Shelly, St. John, Todd, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Aldredge, Brown, Clifton, Cowan, J. W. Davis, Ervin of Wilcox, Findley, Foseue, Gordy, Greene, Hansard, Hubbard, Irwin of Walker, Lindsey, McCall of Choctaw, Meek, Newell, Reynolds, Scott, Skelton, Sterritt, Talbert, Thornton and Vest.

Mr. Lindsey, from the Committee on Enrolled Bills, reported the following bills as being correctly enrolled, viz:

A bill relating to the burnt records of Butler county;

A bill to amend the charter of the bank of Mobile;

A bill to repeal section 3439 of the code of laws adopted at the last session of the legislature, on the subject of the qualification of jurors to read and write.

A memorial of the general assembly of the State of Alabama to the congress of the United States, asking an appropriation for improving the navigation of Mobile bay.

The House then adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, January 18, 1854.

The House met pursuant to adjournment.

The message from the Senate, with the amendment to the House bill authorising the probate judge of Lowndes county to order a special election for commissioners of roads and revenue for said county, striking out "probate judge of Lowndes county," and inserting in lieu thereof "certain probate judges," was read.

Mr. Shelly moved to amend the amendment of the Senate by excluding from the operation of the provisions of the same, the counties of Talladega, Choctaw, Madison and Conecuh.

Said amendment was adopted; and

The amendment of the Senate as amended was concurred in.

Also, the Senate amendment to the caption of said bill was concurred in.

Mr. Henry moved that when the House adjourn it meet at 3 o'clock, p. m., to consider local and private bills. Carried.

Mr. Wilkins introduced a bill to be entitled an act to make valid the contracts made by Richard H. Moore, a minor;

Mr. Wilkins introduced a bill to be entitled an act to authorise justices of the peace to perform the duties of coroner in certain cases; also,

A bill to be entitled an act to authorise justices of the peace to perform the duties of notaries public in certain cases;

Which (said bills) were severally read and ordered to a second reading.

Mr. W. P. Davis introduced a bill to be entitled an act to change the time of summoning witnesses in criminal cases, and setting the State docket for trial;

Also, a bill to be entitled an act authorising the holding of special terms of the circuit court in certain cases.

Mr. Clifton introduced a bill to be entitled an act to amend and consolidate the several acts establishing jury trials in justices' courts in the counties of Cherokee and Marshall, and regulating the proceedings therein.

Mr. Inge introduced a bill to be entitled an act to authorise ex-ecutors or administrators, upon application to the probate court, to dispose of said warrants.

Mr. Cowan introduced a bill to be entitled an act to authorise the county treasurer of Jackson county to pay certain claims, &c.

Mr. Greene introduced a bill to amend an act approved February 10, 1852, entitled an act to define and regulate the liabilities of rail road companies.

Mr. L. P. Walker introduced a bill to be entitled an act to establish an election precinct therein named; which was read, and the constitutional rule being suspended, was read the second time, and, on motion of Mr. Curry, referred to a select committee composed of the delegation from the counties of Talladega and Blount.

Mr. Camp, with the leave of the House, offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses assemble in convention on the 21st inst., to elect a chancellor for the northern division of Alabama, to supply the vacancy occasioned by the resignation of the Hon. E. D. Towns.

Mr. Curry moved to amend said resolution by adding the election of a trustee for the University of Alabama for the ninth judicial circuit.

Mr. Brown moved to amend said amendment as follows:

*Resolved*, That with the concurrence of the Senate, the Houses meet in convention in the representative hall on Monday, the 20th inst., at 11 o'clock, for the purpose of electing trustees of the University of Alabama, in the 1st, 2d, 3d, 4th, 7th and 9th circuits.

Said amendment was accepted by Mr. Curry, and said amendment was then adopted.

Mr. Judge then moved to amend by striking out the original resolution, and adding after the said amendment the following words: and also to elect a chancellor for the northern division of Alabama.

Said amendment was adopted, and the resolution as amended was adopted.

Mr. Alldredge introduced a bill to establish a company beat with less than forty privates in Blount county, and for other purposes; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Webb introduced a bill to be entitled an act to authorize Samuel B. Anthony of Lowndes county to peddle without license; which was read, and the constitutional rule being suspended, was

read the second time and referred to the Committee on Ways and Means.

Mr. Abercrombie introduced a bill to authorize the administrator of Wm. C. Wright, deceased, to take out letters of administration on his estate in the county of Montgomery; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed; also,

A bill in relation to the bridge of the Tallassee Bridge Company across the Tallapoosa river.

Said bill was read and ordered to a second reading.

Mr. Payne presented the petition of John J. Wimberly and other citizens of Tuskegee, in Macon county, praying for the repeal of the second section of an act passed and approved in February, 1850, entitled an act to incorporate the Tuskegee Fire Defiance Company; which was referred to the Committee on Propositions and Grievances.

Mr. Rutherford presented the petition of Dr. N. B. Powell and 500 others, citizens of Macon county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Rutherford presented the petition of Dr. Geo. W. Crymes and others of the medical profession, for an anti-liquor law;

Also, the petition of Dr. Perry and forty-three others, upon the same subject; which were severally referred to the Committee on Temperance.

Mr. Humphreys presented the petition of John Penney and others of the county of Madison, on the subject of schools in their township; which was referred to the Committee on Sixteenth Sections.

Mr. Foscue introduced a bill for the relief of Lorenzo Dow; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Propositions and Grievances;

Also, the petition of Mary Bryan and others of Marengo county, on the subject of said bill; which was referred to the same Committee.

Mr. Cochran, from the Committee on Federal Relations, (with leave of the House,) reported joint resolutions proposing to the State of Florida a cession of West Florida to Alabama; which was read, and the constitutional rule being suspended, was read the second and third times and adopted.

Mr. Musgrove introduced a bill for the relief of Andrew J. Maddox and others of the county of Marion; which was read and ordered to a second reading.

Mr. Percy Walker, with leave of the House, introduced a bill to change the name of James Martin of Mobile county; which

to take up the Senate bill entitled an act to emancipate a certain slave therein named.

Said motion prevailed, and the said bill was read, and the constitutional rule being suspended, was read the second and third times and passed.

#### SPECIAL ORDERS.

Mr. Percy Walker moved to suspend all prior special orders to consider the special order entitled a bill to reduce the number of judges of the supreme court.

The question being on the motion of Mr. Belser to postpone indefinitely its further consideration, and the yeas and nays were demanded:

Said motion was lost. Yeas 8, nays 78.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Belser, Camp, McBryde, Meek, Pickett, Watkins and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Benners, Bishop, Brown, Burnett, Carroll, Clifton, Cochran, Cole, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Garth, Gibson, Gilbreath, Gillam, Goodin, Gordy, Hall, Hanserd, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Humphreys, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newman, Odom, Payne, Phillips, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Scott, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Whitsitt, Wilkins and Yeldell.

Mr. Alldredge moved to strike out, (3500,) which Mr. Speaker (Mr. Meek in the chair) ruled out of order.

The question then recurred upon the adoption of the motion of Mr. Alldredge, to strike out "five hundred," where the same occurs in the third section of said bill; and the yeas and nays were demanded.

Said amendment was adopted. Yeas 64, nays 23.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Benners, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Cole, Comer, Cowan, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Garth, Gibson, Gillam, Goodin, Gordy, Hanserd, Hatcher, Hays, Henry, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Choctaw, Murphy, Mus-



grove, Nelms, Newman, Odom, Pickett, Reynolds, Rhodes, Sanford, Scott, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Ward, Watkins, Webb and Yeldell—64.

Those who voted in the negative, are:

Messrs. Abercrombie, Bell, Belser, Curry, Hall, Hill, Horn, Inge, Jay, Judge, McBryde, McCall of Barbour, Meek, Payne, Phillips, Robinson, Rutherford, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, Whitsitt, Wilkins and Yelverton—23.

The question then recurred upon the adoption of the amendment proposed by Mr. L. P. Walker, requiring the said judges to reside at the seat of government; and, with leave of the House, Mr. Walker withdrew the said amendment.

Mr. Humphreys moved to amend said bill as follows:

*And be it further enacted,* That said judges be authorized to appoint a reporter, whose duty it shall be to report the decisions of the said court, and who shall receive for his services fifteen hundred dollars per annum, payable quarterly, as salaries are paid to other State officers; and the yeas and nays were demanded.

Said amendment was lost. Yeas 44, nays 44.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Agee, Allen, Bell, Cochran, Comer, Cowan, Cook, J. W. Davis, W. P. Davis, Foscue, Garth, Gilbreath, Hall, Hatcher, Hill, Humphreys, Inge, Jay, Judge, Lindsey, McBryde, McCall of Barbour, Meek, Nelms, Payne, Phillips, Pickett, Rhodes, Robinson, Rutherford, Shelly, Skelton, Todd, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whitsitt, Wilkins, Yeldell and Yelverton.

Those who voted in the negative are:

Messrs. Speaker, Alldredge, Benners, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cole, Curry, Findley Fletcher, Foreman, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Hays, Henry, R. H. J. Holly, A. Holly, Hubbard, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Murphy, Musgrove, Newman, Odom, Reynolds, Sanford, Scott, St. John, Sterritt, Talbert and Vest.

Mr. Belser moved to amend said bill by striking out all after the enacting clause, and inserting a substitute in lieu thereof.

Mr. L. P. Walker made the point of order, that as the bill under consideration was a substitute reported by the committee, a substitute for the bill would be out of order.

Mr. Speaker (Mr. Meek in the chair) ruled the said amendment to be out of order.

Mr. Belser then moved to strike out all after the word "that" and insert—

Mr. Shelly made a point of order that, as the word "that" which is proposed to be retained in the bill, is not a material part of the

bill, the motion to strike out and insert is equivalent to a motion to substitute, and is therefore out of order.

The chair ruled that a motion to amend in this form is out of order.

Mr. Belser then moved to amend by striking out the second and third sections of said bill, and inserting in lieu thereof the following :

*Be it further enacted*, That the supreme court of this State, after the passage of this act, shall be composed of four judges;

*Be it further enacted*, That the four judges now in office and their successors, shall each receive two thousand seven hundred and fifty dollars per annum, and they shall appoint a reporter, who shall receive one thousand dollars per annum, to be paid quarterly, as now prescribed by law.

Mr. W. P. Davis, who voted with the majority, moved to reconsider the vote taken on the motion of Mr. Alldredge to strike out "five hundred" in the third section of the bill, and the yeas and nays were demanded.

The House refused to reconsider said vote. Yeas 31, nays 58.

Those who voted in the affirmative are :

Messrs. Abercrombie, Agee, Bell, Bishop, Cochran, Cook, Curry, W. P. Davis, Gilbreath, Hall, Hill, Henry, Inge, Judge, Lindsey, McBryde, McCall of Barbour, Nelms, Payne, Pickett, Phillips, Robinson, Rutherford, Shelly, Skelton, Walker of Lauderdale, Walker of Mobile, Weaver, Webb, Whitsitt and Wilkins.

Those who voted in the negative are :

Messrs. Speaker, Alldredge, Allen, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cole, Comer, Cowan, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Garth, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Hatcher, Hays, Henry, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Meek, Murphy, Musgrove, Newman, Odom, Reynolds, Rhodes, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Vest, Ward, Watkins, Yell and Yelverton.

Mr. Gilbreath gave notice that, at a proper time, he would move to reconsider the vote taken to-day on the adoption of the resolution bringing on the election of a chancellor for the northern division of the State.

The House then adjourned until this evening, at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names :

Messrs. Speaker, Abercrombie, Alldredge, Bell, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Comer, Cole, Cook, Creagh, J. W. Davis, W. P. Davis, Farrior, Findley, Fletcher, Foscue, Garth, Gibson, Gilbreath, Gillam, Gordy, Greene, Hanserd, Hatcher, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Inge, Irwin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Payne, Phillips, Pickett, Reynolds, Rhodes, Robinson, Sanford, Shelly, Skelton, St. John, Talbert, Thornton, Walker of Mobile, Ward, Webb and Wilkins.

The engrossed bills,

Requiring justices of the peace and constables in Lowndes county, in their respective beats, to act as apportioners and supervisors of roads, and for other purposes;

To repeal part of an act to regulate the corporation of the town of Fayetteville, approved February 5, 1832;

To compensate Jesse Comelander;

To aid the Southern Military Academy of Chambers county, Alabama;

To amend the road law in the counties of Pickens, Autauga, Dale, Henry and Dallas;

To authorize the apportioners of the different districts of Pickens county to appoint the overseers, and for other purposes therein named;

For the relief of the treasurer of Autauga county.

The Senate bills,

For the relief of Thomas Golden of Madison county;

To pay jurors in the county of Chambers;

To provide township maps for the county of Butler;

To provide a set of weights and measures for the counties of Butler and Madison, were severally read the third time and passed.

The engrossed bill to legalize a certain marriage therein named, was read the third time.

Mr. Percy Walker moved to amend said bill by way of engrossed rider.

Said engrossed rider was read three times and the bill as amended passed.

The engrossed bill to repeal in part an act to increase the pay of jurors in certain counties therein named, approved December 31, 1837, was read the third time.

Mr. Percy Walker moved to amend said bill by way of engrossed rider.

Said engrossed rider was read three times and the bill as amended passed.

Bills on second reading:

The bill to change and regulate the terms of the circuit court

of the counties of Jackson and Marshall, was read the second time and referred to a select committee composed of the delegation from the counties of Jackson and Marshall.

Mr. Benners moved to suspend the rule of the evening, so as to permit bills of a general nature to be referred to appropriate committees; carried.

The bills:

To amend section 3986 of the Code of Alabama;

To amend section 2447 of the Code of Alabama;

To regulate the fees of judges of probate and clerks of the circuit courts in certain cases;

To enable justices of the peace to act as notaries public in certain cases;

To amend section 1354 of the Code of Alabama;

To enlarge the jurisdiction of the probate court;

To authorize justices of the peace to act as coroners in certain cases;

To amend sections 2570 and 2572 of the new Code;

Defining the liability of sheriffs, &c.;

To amend the law in relation to the issuing of branch summons; and

To regulate proceedings in courts of probate in procuring orders to sell lands of deceased persons for the payment of debts, were severally read the second time and referred to the Committee on the Judiciary.

The bills:

To authorise David Clopton, administrator of John Trafford, deceased, to sell the real estate of said deceased, which said estate has escheated; and

To protect the health of the towns of Geneva and Elba, in Coffee county, were severally read the second time, and the constitutional rule being suspended, read the third time and passed.

The bill to establish a medical board in Russell county, was read the second time, and the constitutional rule being suspended, was read the third time and passed.

The bills:

To authorise Lewis Gholson, administrator in right of his wife, to remove certain property to the county of Autauga;

To consolidate the offices of Judge of probate and clerk of the circuit court of Hancock county, were severally read the second time, and the constitutional rule being suspended, were read the third time and passed.

Mr. Cochran, from the Committee on the Judiciary, with leave of the House, reported the following amendment to the bill to authorise Lewis Alexander, judge of probate of Macon county, to act as guardian for certain moneys therein named:

Strike out wheresoever they appear, the words "judge of probate in Montgomery county," and insert "register in chancery in Macon county."

Add at the end of the last section as amended: *Provided, That* said Alexander shall relinquish all compensation, in writing to be filed by the register, before he has authority to act as guardian as aforesaid.

Said amendment was adopted, and the bill as amended was then read the second, and the constitutional rule being suspended, was read the third time and passed.

Mr. Bell, from the Committee on Ways and Means, to whom was referred the bill in relation to the taxes in Mobile county, reported back the same, amended by striking out the third section.

Said amendment was adopted, and the bill as amended was read third time and passed.

The bill for the relief of Mrs. Elizabeth Janes and others, the sureties of Alexander C. Walker, was read the second time and referred to the Committee on Ways and Means.

The bill for the relief of Welden S. Dye, was read the second time and referred to the Committee on Divorce and Alimony.

The bill to authorize the commissioner of 16th section, in township 2, of range 6, in the county of Limestone, to retain the proceeds of the sale of said section, and to appropriate the interest on the same as now required by law, was read the second time and referred to the Committee on Sixteenth Sections.

The bill for the relief of the estate W. W. McLester, deceased, was read the second time and referred to the Committee on Propositions and Grievances.

The bill to increase the salaries of the state treasurer and attorney general, was read the second time and referred to the Committee on Ways and Means.

Mr. Camp, from the Committee on Ways and Means, with leave of the House, reported a bill to be entitled an act explanatory of clause 11, section 391 of the code of Alabama; which was read and ordered to a second reading.

The bill for the relief of Lucy Jane Jordan of Coffee county, was read the second time, and on motion was ordered to lie on the table.

The bill to regulate the trainings, drills and reviews of the militia of Alabama, was read the second time and referred to the Committee on the Military.

The Senate bill,

To erect a bridge across the Tallapoosa river, in Tallapoosa county, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

The bills

To fix the pay of probate judge and sheriff of Dale county;

To regulate the election and compensation of commissioners of roads and revenue in the county of Covington;

For the relief of John Burton, of Walker county;

To authorize M. E. Cananu and J. Lightfoot, of Lawrence coun-

ty, executors of John F. Lightfoot, deceased, to invest the funds of said estate, &c.;

To regulate the pay of jurors and witnesses in Dale county, were severally read the second time and ordered to be engrossed for a third reading.

The bill for the relief of burial expenses in Pickens county, was read the second time, and the constitutional rule being suspended, was read the third time and passed.

Mr. Johnson moved to amend the caption of the said bill by striking out "for the relief of," and insert "to provide for."

The amendment was adopted.

Mr. Greene, from the Committee on the Judiciary, to whom was referred the resolution in relation to taxes on bachelors and widowers of three years standing, made the following report:

The Committee on the Judiciary, to whom was referred the resolution of the House instructing the committee to inquire into the expediency of imposing a tax on bachelors and widowers of three years standing, instruct me to report, that in the opinion of the committee these unfortunates are sufficiently punished by the miseries incident to their forlorn condition; and that it would be unjust and improper to raise a revenue from the misfortunes of any class of our citizens, however much they may deserve the reprobation of all true patriots.

On motion of Mr. Camp, said report was ordered to lie upon the table; and

On motion of Mr. Lawrence of Fayette, the resolution was ordered to lie upon the table.

Mr. Watkins moved to suspend the order of business to take from the orders a certain bill.

Said motion was lost.

And the House then adjourned untill to-morrow morning, 10 o'clock.

THURSDAY, January 19, 1854.

The House met pursuant to adjournment.

With leave of the House, on motion of Mr. Benners, the bill was taken from the orders of the day, and read the second time, and the constitutional rule being suspended, was read the third time and passed.

Mr. Benners, with leave of the House, moved to suspend the order of business to take from the orders of the day the bill to repeal section 930 of the code.

The motion prevailed, and the said bill was read the second time.

Mr. Foscue moved to refer the same to the Committee on Agriculture. Lost.

Mr. Gilbreath moved to reconsider the vote taken on yesterday on the resolution to go into the election of a chancellor of the northern division on the 20th instant.



The question then recurred on the bill to repeal section 980 of the code, and the same was ordered to be engrossed.

A message was received from his excellency the Governor by Mr. Whitfield, his private secretary, on the subject of the report of the agent to locate the lands in lieu of the 16th sections in the Chickasaw purchase; which was referred to a select committee composed of the delegations from Franklin and Marion.

Mr. Curry, from the Committee on Internal Improvement, to whom was referred a bill in aid of rail roads in this State;

A bill to be entitled an act to aid in the building of rail roads in the State of Alabama;

A bill in aid of the Alabama and Tennessee River Rail Road Company; and

A bill in aid of the Mobile and Ohio Rail Road Company;

Reported back a substitute therefor, which was read.

Mr. Belser moved that the further consideration of said substitute be postponed until Monday next at a quarter before eleven o'clock, and to be made the special order for that time of that day, and that 100 copies be printed.

Mr. Lindsey moved to amend said motion by postponing until Thursday next:

Mr. Creagh called for a division of the question.

The question was first put on postponing until Thursday next, and the same was lost.

The question then recurred on the motion to postpone until Monday next, at a quarter before 11 o'clock, and to be made the special order for that hour, and the same was carried.

The question then recurred on printing 100 copies.

Mr. Henry moved to amend said motion by striking out "100," and inserting "500" copies, and the yeas and nays were demanded, the same was lost—Yeas 40, nays 52.

Those who voted in the affirmative are:

Messrs. Speaker, Bell, Belser, Brown, Camp, Calhoun, Cochran, Cole, Comer, Cowan, Farrior, Findley, Garth, Gilbreath, Henry, Hall, Hill, Jay, Laughinghouse, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Musgrove, Newell, Owen, Pickett, Reynolds, Scott, Shelly, Sterritt, Talbert, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver Webb, Whitsitt and Yelverton.

Those who voted in the negative are:

Messrs. Abercrombie, Agee, Alldredge, Benners, Bishop, Burnett, Carroll, Clifton, Cook, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Fletcher, Foreman, Foscue, Gibson, Gillam, Gordy, Hanserd, Hatcher, Hays, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Johnson, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Nelms, Newman, Odom, Payne, Phillips, Rhodes, Robinson, Rutherford, Sanford, Skelton, St. John, Thornton, Todd, Vest, Ward, Wilkins and Yeldell.

The question then recurred on the motion to print 100 copies, and the same was carried.

#### SPECIAL ORDER.

Mr. Pickett moved to suspend all prior special orders to resume the consideration of the bill reducing the number of judges of the supreme court, &c., of Alabama.

Said motion prevailed.

And the question recurred upon the motion of Mr. Belser to amend said bill by striking out the 2d and 3d sections of the same, and inserting a substitute, and the same was lost.

Mr. Curry moved to amend said bill by an additional section as follows:

SEC. — *And be it further enacted,* That the judges of the said court are hereby authorised to appoint a reporter, who shall report the decisions of the supreme court, and shall receive a salary of twelve hundred dollars, to be paid quarterly, as the salaries of other state officers are now paid.

The said amendment was then adopted.

The question then recurred on the adoption of the substitute reported by the committee as amended, and the yeas and nays were demanded.

The substitute was adopted—Yeas 83, nays 8.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foscue, Garth, Gibson, Gilbreath, Gordy, Hall, Hanserd, Hatcher, Horn, Hill, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Musgrove, Nelms, Newell, Newman, Odom, Owen, Payne, Phillips, Reynolds, Robinson, Rutherford, Rhodes, Sanford, Scott, Shelly, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Weaver, Webb, Whitsitt, Wilkins, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Abercrombie, Foreman, Gillam, Hays, R. H. J. Holly, A. Holly, Lawrence of Fayette, Pickett and Watkins.

And on motion of Mr. Curry, the constitutional rule was suspended, and the said bill was read the third time and passed.

The caption of said bill, on motion, was also amended to conform to the sense of the bill.

Ordered, that said bill be sent forthwith to the Senate.

The question then recurred upon the motion of Mr. Gilbreath to reconsider the vote taken on the resolution to bring on the election of chancellor of the northern division on the 20th instant. Carried.

Mr. Gilbreath then moved to amend said resolution by striking out all of said resolution in relation to bringing on the election of chancellor.

Said motion prevailed; and

The resolution, as amended, was ordered to be sent forthwith to the Senate.

The Senate joint memorial of the general assembly of the State of Alabama to the congress of the United States, concerning the account of James Rumph, was read and adopted.

Mr. Percy Walker moved to suspend the special orders of the day to proceed to the consideration of the calendar.

Mr. Belser moved to take from the table the bill to incorporate the Pinckneyville Academy.

Said motion prevailed; and

The bill, as amended, was read the second time, and the constitutional rule being suspended, was read the third time and passed.

Mr. Yelverton moved to take from the table the bill for the relief of Lucy Jane Jordan of Coffee county.

Said motion prevailed.

Mr. Yelverton then moved to amend said bill by a substitute.

Said substitute was adopted; and

The bill, as amended, was read the second time, and the constitutional rule being suspended, was read the third time. The yeas and nays were demanded upon its passage, and the said bill was passed—yeas 64, nays 6.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Bishop, Burnett, Brown, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Garth, Gibson, Gillam, Goodin, Gordy, Hall, Hanserd, Hatcher, Hays, Henry, R. H. J. Holly, Horn, Humphreys, Irwin of Walker, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McBryde, Nelms, Newell, Newman, Odom, Owen, Payne, Phillips, Pickett, Reynolds, Rhodes, Scott, Shelly, Skelton, St. John, Todd, Vest, Walker of Mobile, Walker of Lauderdale, Ward, Webb, Wilkins and Yeldell.

Those who voted in the negative, are:

Messrs. Foscue, A. Holly, Hubbard, Inge, Sanford and Watkins.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Alldredge, from the Committee on Accounts and Claims, reported a bill to be entitled an act for the payment of certain claims against the State; which was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. Camp, with leave of the House, introduced a bill to be entitled an act to prevent the introduction of negroes into the State

for the purpose of sale; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on Ways and Means.

Mr. Gilbreath, with leave of the House, introduced a bill to be entitled an act to aid the Tennessee and Coosa Rail Road; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Internal Improvement.

Mr. St. John, with leave of the House, introduced a bill to be entitled an act to amend a certain clause in section 3046 of the Code of Alabama; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on the Judiciary.

Mr. Lindsey, from the Committee on Enrolled Bills, to whom was referred a bill to emancipate a certain slave therein named, reported back the same as being correctly enrolled.

Mr. Hall presented the petition of twenty-two voters of Autauga county, against a license law;

Also, the petition of twenty-seven voters of Autauga county upon the same subject; which were severally referred to the Committee on Temperance.

Mr. Hall presented the petition of Henry Johnson, praying to be relieved from his bank indebtedness; which was referred to the Committee on State Bank and Branches.

The engrossed bill requiring administrators and executors to take an oath of office before entering upon the discharge of their duties, was read the third time, and the House refused to pass said bill; so the same was lost.

The engrossed bill, in relation to the officers of the penitentiary, was read the third time.

Mr. Abercrombie moved to amend the same by way of engrossed rider.

Said engrossed rider was read three times, and the bill, as amended, was passed.

The engrossed bill to alter and amend section 499 of the Code of Alabama, fixing the compensation of county commissioners, was read the third time.

Mr. Alldredge moved to amend the same by way of engrossed rider; and

On motion of Mr. Curry, said bill was ordered to lie upon the table.

The engrossed bills:

To authorise the loan of cadet muskets to a certain academy;

To amend the law imposing a tax upon the sale of slaves; were severally read the third time, and passed.

The engrossed bill to provide for the payment over to overseers of the roads, moneys from fines on defaulters, and for other purposes, was read the third time, and on motion of Mr. Burnett, the same was ordered to lie upon the table.

The Senate bill,  
To regulate the issuance of ancillary attachments, was read the third time, and referred to the Committee on the Judiciary.

The Senate bill,  
To repeal section 2461, and to amend sections 2464 and 2466 of the Code of Alabama, was read the third time, and passed.

The engrossed bill to provide for a geological and agricultural survey of the State, was read the third time, and the yeas and nays were demanded upon the passage of the bill.

Said bill was passed—Yeas 46, nays 43.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Brown, Bishop, Burnett, Camp, Calhoun, Cochran, Comer, Cook, Creagh, Curry, Ervin of Wilcox, Foreman, Foscue, Hall, Henry, Humphreys, Inge, Jay, Johnson, Judge, Lawrence of Cherokee, McCall of Barbour, Meek, Owen, Phillips, Pickett, Rhodes, Ruthertford, Shelly, Talbert, Thornton, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Whitsitt, Wilkins, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Carroll, Clifton, J. W. Davis, Findley, Fletcher, Garth, Gibson, Gillam, Goodin, Gordy, Hanserd, Hays, Hatcher, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Lindsey, McBryde, McCall of Choctaw, Musgrove, Nelms, Newell, Newman, Odom, Payne, Reynolds, Robinson, Sanford, Scott, Skelton, St. John, Sterritt, Todd and Vest.

The following message was received from his excellency the Governor:

Mr. Speaker: His excellency the Governor has approved the following bills, which originated in the House of Representatives:

An act to cause the county treasurer and county surveyor to be elected by the people;

Joint resolution in relation to the inauguration of the Governor elect;

An act for the relief of certain persons therein named;

An act to divorce Mary C. Waters from Jonathan P. Waters;

An act to repeal in part the patrol law in the counties of Marshall, DeKalb and others;

An act to repeal the patrol laws of Baldwin county;

An act to amend the charter of the city of Tuscaloosa;

An act for the relief of L. V. Underwood, guardian of the minor heirs of M. T. Howell, deceased;

An act supplemental to an act entitled an act for the permanent location of the county site of Washington county;

An act to incorporate the Eufaula Plank Road Company;

An act to authorise the administrator of the estate of Albert

Russell, late of the county of Madison, deceased, to keep said estate together;

An act to allow pay to jurors in certain cases.

The House then adjourned until to-morrow morning at 10 o'clock.

FRIDAY, January 20, 1854.

The House met pursuant to adjournment.

Mr. Creagh introduced a bill to be entitled an act to amend and perfect section 2824 of the Code of Alabama.

Mr. Belser introduced a bill to be entitled an act to authorise the sheriff of Montgomery county to employ additional bailiffs.

Also, a bill to be entitled an act to enable the county surveyor of Montgomery county to make correct surveys in said county.

Said bills were severally read and ordered to a second reading.

Mr. Belser introduced a bill to be entitled an act to enlarge section 1188 of the Code; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Gilbreath introduced a bill to be entitled an act to authorise the judges of the probate courts to divide real and personal property between the joint owners thereof in certain cases; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on the Judiciary.

Mr. Fletcher introduced a bill to be entitled an act to require the county treasurer of Marshall county to pay claims against said county according to priority; which was read, and the constitutional rule being suspended, was read the second time, and referred to a select committee composed of the delegation from Marshall county.

Mr. Percy Walker presented the petition of William R. Hallett and others, in reference to the tax on circuses; which was referred to the Committee on Ways and Means.

Mr. Judge introduced a bill to be entitled an act in relation to English statutes and church canons;

Mr. Sterritt introduced a bill to be entitled an act to repeal in part sections 2446 and 2447 of the Code;

Mr. Whitsitt introduced a bill to be entitled an act to authorise the appointment of auctioneers;

Mr. Hill introduced a bill to be entitled an act to amend section 3242 of the Code of Alabama;

Said bills were severally read, and the constitutional rule being suspended, were read the second time and referred to the Committee on the Judiciary.

Mr. Henry presented the petition of citizens of township 24, range 1, east, of Pickens county; which was referred to the Committee on Sixteenth Sections.

Mr. Newell introduced a bill to be entitled an act to prohibit



camp hunting by certain persons in the county of Randolph, and for other purposes; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Propositions and Grievances.

Mr. Nelms introduced a bill to be entitled an act to increase the compensation of the members of the commissioners' court of Russell county.

Mr. Benners moved to amend said bill by extending the provisions to the counties of Green, Dallas, Perry, Marengo, Pickens, Benton, Monroe, Lawrence, Autauga, Cherokee, Butler and Lowndes.

Said amendment was adopted.

Mr. Watkins moved to amend by striking out "three," where it occurs in said bill, and insert "two," in lieu thereof.

Said motion was lost; and

The bill, as amended, was ordered to a third reading.

Mr. Foreman introduced a bill to be entitled an act for the relief of Harvey Pearson of St. Clair county; which was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. Whitsitt introduced a bill to be entitled an act to amend the charter of the Gainesville Female Academy; which was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. Whitsitt introduced a bill to be entitled an act to authorize James M. Lee to erect gates on a certain road therein named; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Gordy introduced a bill to provide for the record of marks and brands for Washington county; which was read, and the constitutional rule being suspended, was read the second and third times and passed.

Mr. Ervin of Wilcox introduced a bill to authorize an election by the legal voters, living within three miles of the Wilcox Female Institute, to restrict the sale of spiritous liquors within said limits; which was read and ordered to a second reading on tomorrow.

Mr. Sanford introduced a bill for the relief of James Matthews of Cherokee county; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Propositions and Grievances.

Mr. Jay, from the Committee on Divorce and Alimony, with leave of the House, reported back a bill entitled an act to divorce Elizabeth B. Simonds from her husband Edward Simonds.

Said bill was read, and the constitutional rule being suspended, was read the second and third times and passed.

Mr. Weaver, with leave of the House, offered the following resolution:

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of providing for tax assessors the same compensation for making out tax books of assessments, which was heretofore provided for judges of the probate court, with leave to report by bill or otherwise.

Said resolution was adopted.

Mr. Hatcher introduced a bill to be entitled an act in relation to the circuit court of Dallas county; which was read, the constitutional rule being suspended, was read the second and third times and passed; also,

A bill to be entitled an act to incorporate the town of Orrville, in the county of Dallas; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Corporations.

Mr. Watkins introduced a bill to be entitled an act to exempt Franklin county from the operation of certain sections of the Code of Alabama; which was read the first time, and the constitutional rule being suspended, was read the second and third times and passed.

Leave of absence was granted to Mr. Rutherford until next Tuesday evening, and to Messrs. Newman and Farrior for one week.

Mr. Benners introduced a bill to incorporate the Greensboro' and Union Town Rail Road; which was read the first time, and the constitutional rule being suspended, was read the second time and referred to the Committee on Internal Improvement.

Mr. Vest presented the petition of sundry citizens of Hancock county to abolish said county; which was referred to the Committee on County Boundaries.

Mr. Odom introduced a bill to authorize the administrators of Richard C. Spann to compromise the bad and doubtful debts of said estate; which was read, and the constitutional rule being suspended, was read the second and third times and passed.

Mr. Scott presented the petition of Henry S. Higgins, William McCarney, John A. Brown, J. H. Stevens, William C. Isbell and 230 others, to change the county site of the county of Jackson; which was referred to the Committee on County Boundaries.

Mr. Camp introduced a bill for the relief of George S. Green; which was read the first time, and the constitutional rule being suspended, was read the second and third times and passed.

Mr. Camp presented the petition from citizens of St. Clair and Jefferson counties; which was referred to the Committee on Ways and Means.

Mr. Pickett introduced a bill to regulate the school fund in township 7, and range 7, west, in Lawrence county.

Said bill was read, and the constitutional rule being suspended, was read the second time.

Mr. Laughinghouse moved to amend said bill by an additional section; which was adopted.

Mr. Meek moved to refer said bill and amendment to the Committee on Education.

Mr. Laughinghouse then moved to reconsider the vote taken on the adoption of said amendment.

Said motion prevailed.

Mr. Laughinghouse, with leave of the House, then withdrew said amendment.

Said bill was then referred to the Committee on Education.

#### ELECTION OF TRUSTEES FOR THE UNIVERSITY.

The hour of 11 o'clock having arrived, the Senate, by invitation, appeared in the hall of the House, and the two Houses in convention proceeded to the election of trustees for the University of Alabama for the first and second judicial circuits.

Edmund Baptist was elected trustee for the first circuit.

Messrs. Felix Tate and E. B. King were in nomination for the second circuit.

Those who voted for Mr. King, are :

Messrs. President, Acklen, Cocke, Frazier, Gay, Jemison and Kelly, of the Senate; and Messrs. Bishop, Hays, McCall of Barbour, Newell, Phillips, Sterritt, Talbert and Walker, of the House.

Those who voted for Mr. Tate, are :

Messrs. Ashley, Baker, Bradford, Brindley, Clanton, Crenshaw, Dickinson, Hendricks, Hewlett, E. P. Jones, H. C. Jones, Kimball, Lamar, Lee, Malone, McLemore, Patton, Peterson, Searcy, Watts, Webb and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Belser, Brown, Burnett, Camp, Calhoun, Clifton, Comer, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscoe, Garth, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Henry, Hill, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Martin, McBryde, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newman, Odom, Owen, Payne, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, St. John, Thornton, Todd, Vest, Walker of Lauderdale, Weaver, Webb, Whitsitt, Wilkins, Yeldell and Yelverton, of the House.

Mr. Tate having received a majority of the votes given, Mr. Speaker declared him duly elected trustee for the University for the second circuit, the term to commence in February, 1855.

The Senate then withdrew to their chamber, and the House proceeded to the consideration of its appropriate business.

Mr. Fletcher, with leave of the House, offered the following resolution :

*Resolved*, That, with the concurrence of the Senate, the two

Houses will assemble in the hall of the House on Wednesday, 25th inst., at 11 o'clock, a. m., for the purpose of electing a chancellor for the northern division of the State, to fill the vacancy occasioned by the resignation of the Hon. E. D. Towns, to take effect on the 15th day of February, 1854.

Mr Ervin of Wilcox moved to amend the said resolution by adding the following, viz :

And also for the election of trustees for the university, for the terms expiring in February, 1855, in the first and second judicial circuits.

Said amendment was adopted, and the resolution as amended was then adopted.

Mr. Hall moved to suspend the order of the day to offer a resolution.

Said motion was lost.

On motion of Mr. Talbert, leave was granted to Mr. Camp to withdraw the petition of sundry citizens of Shelby county, praying for an additional beat in said county.

Mr. Watkins, from the committee of conference, to whom was referred certain matters of difference between the two Houses in reference to the bill to be entitled an act to exempt certain property from sale by executors and administrators, reported back a substitute therefor.

Said report was concurred in.

#### SPECIAL ORDERS.

The House then proceeded to the consideration of the first special order for the hour of 11 o'clock, it being the bill to prescribe the mode of conducting criminal trials.

Mr. Creagh moved to indefinitely postpone the further consideration of said bill, and the yeas and nays were demanded.

Said motion prevailed—Yeas 53, nays 30.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Belser, Benners, Bishop, Brown, Burnett, Calhoun, Cochran, Comer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Foreman, Garth, Gillam, Goodin, Gordy, Hall, Hanserd, Hatcher, Hays, Hill, R. H. J. Holly, Horn, Inge, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Newell, Owen, Payne, Phillips, Rhodes, Robinson, Scott, Sterritt, Talbert, Thornton, Todd, Walker of Lauderdale, Ward, Webb, Whitsitt and Yeldell.

Those who voted in the negative are:

Messrs. Alldredge, Allen, Bell, Camp, Clifton, Cowan, Findley, Fletcher, Gibson, Gilbreath, Greene, Hubbard, Humphreys, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, Musgrove, Odom, Pickett, Reynolds, Sanford, Shelly, Skelton, St. John, Vest, Walker of Mobile, Watkins, Weaver and Yelverton.

Mr. L. P. Walker gave notice that at the proper time he would move to reconsider the vote just taken.

Mr. Creagh then moved to reconsider the vote just taken forthwith.

Mr. Shelly moved to postpone the motion of Mr. Creagh to reconsider, until Tuesday next, and the yeas and nays were demanded.

Said motion was lost—Yeas 22, nays 62.

Those who voted in the affirmative, are:

Messrs. Agee, Allen, Bell, Bishop, Camp, Carroll, Cowan, J. W. Davis, Findley, Fletcher, Gilbreath, Horn, Hubbard, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, Odom, Pickett, Shelly, Skelton, Walker of Mobile and Watkins.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Belser, Benners, Brown, Burnett, Calhoun, Clifton, Cochran, Comer, Cook, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Foreman, Foscue, Garth, Gibson, Goodin, Gillam, Gordy, Greene, Hall, Hanserd, Hatcher, Hays, Henry, R. H. J. Holly, Hill, A. Holly, Humphreys, Inge, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Owen, Payne, Phillips, Reynolds, Rhodes, Robinson, Scott, Sanford, St. John, Sterritt, Talbert, Todd, Vest, Walker of Lauderdale, Webb, Whitsitt, Wilkins, Yeldell and Yelverton.

The question then recurred upon the motion of Mr. Creagh to reconsider.

Mr. Pickett moved to postpone the further consideration of said motion until to-morrow 11 o'clock.

Said motion was lost.

The question again recurred on the motion of Mr. Creagh to reconsider; and after some further discussion thereon, Mr. Percy Walker being entitled to the floor,

The House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, January 21, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Messrs. Cole, Hatcher, Payne and Webb.

The Senate bill entitled an act to amend an act to incorporate a company with authority to construct a plank road or rail road from Marion, in Perry county, to the Alabama river, approved February 13, 1850, was read, and the constitutional rule being suspended, the said bill was read the second and third times, and passed.

Mr. Humphreys, (with leave of the House) from the Committee on the Judiciary, to whom was referred the petition of certain citizens of Clarke county, on the subject of camp hunting, reported back the same, and recommended its reference to the Committee on Propositions and Grievances.

Said report was concurred in, and the said petition was accordingly referred.

Mr. Benners, (with leave of the House) from the Committee on Sixteenth Sections, to whom was referred the petition of Silman L. Fox and others, and the bill heretofore reported by said committee, to authorize trustees of 16th section, in township 17, range 6, east, to substitute certain notes for others heretofore taken for said 16th sections reported back said bill with amendments.

Said amendments were adopted, and the bill as amended was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Percy Walker, (with leave of the House) from the committee composed of the Mobile delegation, to whom was referred the petition of the pilots of Mobile bay, for a change in the law regulating pilotage, reported back a bill in conformity to said petition, to be entitled an act to amend section 917 of the code of Alabama, relative to pilotage.

Said bill was read, and the constitutional rule being suspended, was read the second time and passed.

Ordered, that said bill be sent forthwith to the Senate.

Mr. Carroll, (with leave of the House) introduced a bill to be entitled an act to incorporate the North Alabama and Grand Junction Rail Road Company.

Said bill was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the Committee on Internal Improvement.

Mr. Shelly presented the petition of Harriet L. Gardner; which was read and referred to the Committee on the Judiciary.

Mr. L. P. Walker, (with leave) moved to re-commit the bill extending aid to certain rail road companies, together with the original bills and the report of committee thereon to the Committee on Internal Improvement, with instructions to report thereon at half-past 10 o'clock on Monday next, and that the chairman of said committee be instructed to superintend the printing of the bill reported by said committee.

The motion prevailed.

On motion of Mr. Cowan, leave was granted to Mr. William P. Davis to make a report.

Mr. W. P. Davis, from the Committee on the Judiciary, to whom was referred the petition of the administrators of Charles S. Jones, late of the county of Jackson, reported back a bill in conformity to the prayer of the petitioners, entitled an act to authorize the administrators of Charles S. Jones of Jackson county, deceased, to sell certain lands.

Said bill was read, and the constitutional rule being suspended, said bill was read the second and third times and passed.



## SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House resumed the consideration of the special order for that hour, it being the bill reported as a substitute by the Committee on the Judiciary, entitled an act to prescribe the mode of conducting criminal trials.

The question being on the motion of Mr. Creagh to reconsider the vote taken on the motion to postpone indefinitely the further consideration of the said bill, Mr. Percy Walker being entitled to the floor,

After some discussion thereon, the question was taken on said motion to reconsider, and the same was lost.

So the House refused to reconsider said vote.

The House concurred in the amendment of the Senate to the bill to be entitled an act to ascertain the sense of the people of Coosa county in regard to the permanent location of the county site of said county, and to provide for building a court house and jail.

Mr. Lindsey, from the Committee on Enrolled Bills, to whom was referred the bill to authorise the probate court of St. Clair county to grant an order to sell the real estate and slaves belonging to the estate of Isaac Willingham, late of said county, deceased, reported back the same as correctly enrolled.

A message from the Senate:

Mr. Speaker: The Senate has passed bills of the following titles, which originated in the House:

To ascertain the sense of the people of Coosa county in regard to the permanent location of the county site of said county, &c., amended as therein shown;

To change the time of holding the circuit court of the fourth judicial circuit;

To authorise the probate judge of St. Clair county to grant an order to sell the real estate and slaves belonging to the estate of Isaac Willingham, deceased;

For the relief of the tax collectors of Cherokee and Jefferson counties;

To authorise David Clopton, administrator of John Trafford, deceased, to sell the real estate belonging to said deceased, which said estate has escheated.

The Senate concurs in the amendment of the House to the amendment made by the Senate to the bill authorising certain probate judges to order a special election for commissioners of roads and revenue.

Mr. Creagh moved to suspend all prior special orders, in order to proceed to the consideration of the resolution proposing the adjournment *sine die* of the legislature on the first Monday in February next, and the yeas and nays were demanded.

Mr. Pickett moved to adjourn until Monday morning 10 o'clock. Said motion was lost.

The question then recurred on the motion of Mr. Creagh to suspend all prior orders in order to proceed to the consideration of the resolution proposing the adjournment *sine die* of the legislature on the first Monday in February next, and the same was lost. Yeas 37, nays 45.

Those who voted in the affirmative, are:

Messrs. Alldredge, Benners, Carroll, Cook, Creagh, Ervin of Wilcox, Foreman, Gibson, Gilbreath, Gillam, Gordy, Hall, Hanserd, R. H. J. Holly, A. Holly, Humphreys, Jay, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Phillips, Reynolds, Rhodes, Sanford, Skelton, St. John, Talbert, Todd, Thornton, Whitsitt and Wilkins.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Brown, Burnett, Camp, Calhoun, Cochran Cowan, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Garth, Goodin, Hays, Henry, Hill, Horn, Hubbard, Inge, Johnson Judge, Lawrence of Cherokee, Martin, McBryde, Meek, Nelms, Odom, Owen, Pickett, Robinson, Scott, Shelly, Sterritt, Vest, L. P. Walker, Percy Walker, Weaver, Ward and Yelverton.

Mr. Hall moved to add two additional members to the select committee raised to examine the offices of the comptroller of public accounts and the state treasurer.

Said motion prevailed, and Messrs. Sterritt and Owen were appointed as the additional members of said committee.

The House then adjourned until Monday morning, at ten o'clock.

MONDAY, January 23, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Judge for a few days.

Mr. Sterritt was excused, on account of indisposition, from serving on the committee raised to examine the offices of the comptroller of public accounts and State treasurer, and Mr. Carroll was appointed on said committee to fill the vacancy occasioned thereby.

Mr. Belser introduced a bill to be entitled an act for the relief of certain persons therein named; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on the Judiciary.

Mr. Belser presented the petition of N. E. Benson and others, praying the passage of an act for the relief of John B. Taylor; which was referred to the Committee on the Judiciary.

Mr. Henry introduced a bill to be entitled an act to exempt the Pickens Guards from poll tax; which was read, and ordered to a second reading on to-morrow.

Mr. Johnson introduced a bill to be entitled an act to authorise

administrators and executors to sell the claims of their decedents; which was read and ordered to a second reading.

Mr. Horn presented the petition of James J. Williams and others, praying the passage of an act for the relief of James G. Williams and John Carroll, jr.; which was referred to the Committee on Sixteenth Sections.

Mr. Curry introduced a bill to be entitled an act to authorise the holding of additional terms of the chancery court in Cherokee, Benton and Talladega counties; which was read, and the constitutional rule being suspended, was read the second time and referred to a select committee composed of the delegation from the counties of Cherokee, Benton and Talladega.

Mr. Curry introduced a bill to be entitled an act making the order of business in the circuit courts discretionary with the judges thereof.

Mr. Martin introduced a bill to be entitled an act to improve the mode of taking testimony in chancery.

Said bills were severally read, and the constitutional rule being suspended, were read the second time, and referred to the Committee on the Judiciary.

Mr. McCall of Barbour presented the petition of Mrs. Mary Oliver and fifty-two other ladies of Barbour county, for an anti-liquor law;

Also, the petition of Dr. George McDuffee and others of Barbour county, for an anti-liquor law; which were severally read and referred to the Committee on Temperance.

Mr. Comer introduced a bill to be entitled an act to incorporate the village of Springhill in the county of Barbour, and for other purposes; which was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. J. W. Davis presented the petition of R. Spinks and others, young men of Bibb county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. J. W. Davis presented the account of A. P. Pfister; which was referred to the Committee on Accounts and Claims.

Mr. J. W. Davis introduced a bill to be entitled an act to prevent the failure of the chancery court in consequence of the chancellor not attending on the first or second day; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on the Judiciary.

Mr. Hill presented the account of Samuel Devaughn; which was referred to the Committee on Accounts and Claims.

Mr. Clifton presented the petition of E. G. Bradley and one hundred and forty others, voters of Cherokee county, asking amendments to the constitution of the State, and for other purposes;

Also, the petition of Wm. P. Hollingsworth and eighty-six others, voters of Cherokee county, asking amendments to the

constitution, and for other purposes; which were severally referred to the Committee on the Judiciary.

Mr. Yelverton, with leave of the House, from the Committee on Divorce and Alimony, reported a bill to be entitled an act to divorce certain persons therein named, viz: Sarah E. Flannagin from Henry Flannagin, Alfred Jones from Martha Jones, Dorcas Eakin from Samuel S. Eakin, Elizabeth P. Wood from Bennett H. Wood, Elizabeth L. Shehan from James M. Shehan, Emily O. Green from John Green, Sarah Jones from Alama Jones, Olive A. Worcester from Samuel Worcester, Dionytia A. Banduwant from James M. Banduwant, Jackson L. Boyd from Nancy Boyd, Henry J. Wideham from Lucinda Wideham, Martha A. Wilkerson from Jesse P. Wilkerson, Louisa Martinez from Louis Martinez, Elizabeth Daniel from John Daniel, Jerusha Whitcomb from James L. Whitcomb, Ichabod Robbins from Sarah E. Robbins, Epsy McMath from Joseph W. McMath, Sarah Ann Mc from Wiseman G. Mc, and Jacob Ellison from Nancy Ellison.

Said bill was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. Weaver, from the select committee to whom was referred the bill to change the time for holding the courts of the first judicial circuit, and for other purposes therein named, reported back a substitute.

Said report was concurred in; and .

The bill was read, and the constitutional rule being suspended, was read the third time forthwith, and passed.

Mr. Holly introduced a bill to be entitled an act to ascertain the sense of the people in regard to the penitentiary system; which was read, and ordered to a second reading.

Mr. Phillips introduced a bill to be entitled an act to amend the act of incorporation of the city of Selma; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on Corporations.

Mr. Carroll presented the petition of H. B. McVey and other citizens of Franklin county, asking compensation for lands taken from them by the act of the legislature declaring Big Bear creek in said county navigable; which was referred to a select committee composed of the delegation from Franklin county.

Mr. Carroll introduced a bill to be entitled an act to alter and amend the manner of assessing and collecting the taxes of the State of Alabama; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on Ways and Means.

Mr. Lawrence of Fayette introduced a bill to be entitled an act to exempt millers and sheriffs from road duty in the county of Fayette; which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Also, a bill to be entitled an act to make Nancy J. Graves of

the county of Fayette, a free dealer; which was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. Speaker laid before the House the following communication from his excellency the Governor, which, on motion, was ordered to lie on the table:

EXECUTIVE DEPARTMENT,  
Montgomery, January 23, 1854.

Hon. W. M. GARRETT,

Speaker of the House of Representatives:

SIR: I have received the resignation of the Hon. D. G. Ligon, one of the members of the supreme court of the State, to take effect on the first day of January, 1855.

JOHN A. WINSTON.

Mr. Bell, from the Committee on Ways and Means, to whom was referred the bill to be entitled an act for the relief of Mrs. Elizabeth C. Jones and others, the securities of Alexander C. Walker, reported back a substitute therefor.

Said report was concurred in; and

The bill was read, and the constitutional rule being suspended, was read the third time forthwith, and passed.

#### SPECIAL ORDER.

Mr. Curry, from the Committee on Internal Improvement, to whom was re-committed the bill entitled an act to aid in the building of rail roads in the State of Alabama, reported back a substitute therefor, and, after some discussion thereon, Mr. Scott being entitled to the floor,

Mr. L. P. Walker moved that the further consideration of the same be postponed until to-morrow morning at a quarter before 11 o'clock, A. M., and to be made the special order for that hour.

Said motion prevailed.

A message from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate has passed the following House bills:

For the relief of Lucy Jane Jordan of Coffee county;

To amend an act to incorporate the Northern Bank of Alabama;

In reference to the fees of the judge of probate of Mobile county, and for other purposes—amended as therein shown;

Has also concurred in the amendment made by the House to the bill to amend the charter of the town of Huntsville, and for other purposes.

The Senate has also originated and passed bills of the following titles:

To incorporate the Opelika and Talladega Rail Road Company;

To incorporate the West Point, Georgia and Tennessee River Rail Road Company; in which the concurrence of the House is requested.

And the House adjourned until to-morrow morning at 10 o'clock.

TUESDAY, January 2, 1854.

The House met pursuant to adjournment.

Mr. Foscue, with leave of the House, introduced a bill to be entitled an act supplementary to an act to amend the charter of the Mobile and New Orleans Rail Road Company, approved December 21, 1851; which was read, and the constitutional rule being suspended, was read the second and third times, and passed.

Mr. Vest introduced a bill to be entitled an act to enable A. Little and others, to turn-pike a certain road therein named; which was read, and the constitutional rule being suspended, was read the second time, and ordered to be engrossed for a third reading.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

Mr. Gilbreath, with leave of the House, from the Committee on Internal Improvement, to whom was referred the bill to be entitled an act to aid the Tennessee and Coosa Rail Road, reported back the same amended.

Said amendment was adopted, and the bill, as amended, ordered to be engrossed.

Mr. Percy Walker presented the memorial of the Alabama State Medical Association, in reference to the office of coroner; which was read, and referred to the Committee on the Judiciary.

Senate bills:

To incorporate the West Point, Georgia and Tennessee River Rail Road Company;

To incorporate the Opelika and Talladega Rail Road Company; were severally read, and the constitutional rule being suspended, were read the second time, and referred to the Committee on Internal Improvement.

Mr. Agee introduced a bill to be entitled an act to regulate the fees of the probate judge of Monroe county; which was read and ordered to a second reading.

Mr. Agee, with leave of the House, from the Committee on Corporations, to whom was referred the bill to be entitled an act to incorporate the Augusta, Atlanta and Nashville Magnetic Telegraph Company, reported the same back with amendments.

Said amendments were adopted; and

The bill, as amended, was ordered to be engrossed for a third reading.

Mr. Whitsitt introduced a bill to be entitled an act to provide for the extension of the debts due the 16th sections; which was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on Sixteenth Sections.

Mr. Phillips introduced a bill to be entitled an act to amend clause 23 of section 391 of the Code of Alabama; which was



read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on Ways and Means.

Mr. Inge moved to suspend all prior orders to take from the calendar the bill to be entitled an act to amend title 2d, chapter 1st, of the Code of Alabama, in relation to township schools.

Said motion prevailed; and

The said bill was read the second time, and referred to the Committee on Sixteenth Sections.

Mr. Shelly, from the select committee to whom was referred the bill to be entitled an act to repeal in part an act therein named, and to authorise the commissioners' court of Talladega and Blount and other counties, to change and establish election precincts therein named, reported back a substitute therefor.

Said substitute was adopted.

Mr. McBryde moved to amend said bill by extending its provisions to the county of Pike.

Mr. Payne moved to amend by extending its provisions to the county of Macon.

Mr. Ervin of Wilcox moved to amend by extending the provisions of the bill to the counties of Wilcox, Benton, Conecuh, Lawrence, Fayette, Madison, Pickens, Hancock, Jackson, Lauderdale, Lowndes, Jefferson, Covington, Marion, Marshall, Cherokee, Randolph and Baldwin.

Said amendments were severally adopted; and

The bill, as amended, was read the third time, and passed.

Mr. Meek, from the Committee on Education, (with leave of the House,) reported a bill to be entitled an act to establish and maintain a system of free public schools in the State of Alabama; which was read, and the constitutional rule being suspended, was read the second time forthwith; and,

On motion, the same was ordered to lie on the table, and 5000 copies ordered to be printed; and

Also submitted the following report, of which 10,000 copies were ordered to be printed, viz:

#### REPORT.

The Committee on Education, who were instructed "to inquire into the means of commencing and perfecting a system of public schools in this State, and to report, by bill or otherwise;" and to whom were referred a bill "to raise a fund for school purposes, and in aid of valueless sixteenth sections;" a bill "to establish a system of common schools, and to provide a fund for the support of the same;" and a bill "to appoint a superintendent of public schools, and for other purposes,"—and various other propositions within the range of the general subject—have given thereto the most serious and searching consideration, and have instructed me to report—

That there is no subject of more momentous and vital importance to any State than that of common school education. This lies at the foundation, and enters into the elements, of every enlightened and popular form of government. Without a general diffusion of knowledge among its inhabitants, no State can be prosperous, dignified and secure, or exempt from those vices and crimes which are incident to barbarism. The history of the past proves this. All countries which have been conspicuous for social, moral and governmental excellence, have been characterized by a general prevalence of intellectual culture, or by enlightened minds, diffusing their influence through the masses. Knowledge was the lever which elevated them to power, maintained them in position, and left them as luminous examples to future times. Other States, with all the attributes of physical greatness—with countless populations, but without the lights of science and literature—have passed degraded and benighted existences, under tyrannical forms of oppression, and are to be remembered only as mementoes of the necessity of popular intelligence to make and preserve any country free, virtuous and flourishing.

These truisms of history are illustrated and enforced in our own national career. It was to the accumulation of knowledge as to the rights of man, that our republican institutions owed their birth, and its wide and spreading dissemination since, has kept them alive and improving, through all the difficulties besetting so vast an experiment. This has been the judgment of the world in reference to the marvelous success of our peculiar system of government. The illustrious Chief and Exile, who so recently astonished the nations by his eloquence and philosophy, during his pilgrimage through our country, in summing up the results of his observations, ascribed the greatness and glory of America—her commercial, agricultural and other physical achievements, as well as her political power and successes—to her educational institutions and the provisions made in early days of the republic for the support and spread of primary school education.

Those States of our confederacy which have devoted the most attention and effort to the advancement of popular instruction have, despite every disadvantage of climate and soil, been the most successful in all the arts, comforts, conveniencies, securities, and other excellences, of a social and political character. This is the secret of New England's prosperity, and the wonderful magic that has made yankee ingenuity and skill proverbial throughout the world. The snow-shoes of the pilgrims struck the streams of knowledge from the Rock of Plymouth, and they flowed through the common school cabins, till they nurtured a race worthy to inherit the institutions of their country, and to act as the apostles of scientific advancement and republican freedom in every portion of the globe. The industrial activity of the Eastern States, their manufacturing and mechanical enterprises, their mari-time spirit

and exploits, which have sent their ships and their sailors from the whale-fisheries of the Arctic circle to the spice groves of India, and all parts of the Pacific—their teeming material wealth in every section, and, chief of all, their intellectual achievements in the highest departments of mind—are mainly owing to the fact, so proudly asserted by one of their own sons—the gifted historian of the United States—that “every child, as it was born into the world, was lifted from the earth by the genius of the country, and, in the statutes of the land, received, as its birth-right, a pledge of public care for its morals and its mind.”

It is unnecessary to enter into details to verify these assertions. The periodic census tables of our country show that those States which have provided most liberally for the education of their people, have advanced most rapidly in all the elements of physical wealth and power—in public virtue, and in private morals. The great States of New York and Pennsylvania, relatively considered to their sisters in the Union, are apt illustrations to the same effect. Indeed, it is one of the fortunate features in our system of confederated republics—that the diverse policies pursued by the different members afford striking examples and contrasts to enforce the educational philosophy which the experience of all prior governments had established.

But it is chiefly to primary common schools that these beneficial results are attributable. These institutions are the special means of diffusing knowledge among the masses of the people, and eliciting the intellectual wealth that would otherwise remain dormant in multitudinous minds. They are eminently the friends of the poor. They go down into the lanes and bye-paths of life—into the backwoods and remote settlements—into the log-cabins and rude workshops—and, finding there the children of the humble and obscure, with all the faculties of our common nature undeveloped and unnurtured, take them by the hand and lead them to the fountains of instruction, and bid them go thence to become useful and virtuous, and perhaps distinguished, members of society. From such positions, through such means, some of our most illustrious statesmen and men of science have arisen. Franklin, and Sherman, and Patrick Henry, and Fulton, and Morse, are noted instances.

These common schools also specially promote public virtue, and confirm faith in our republican institutions. Experience has demonstrated that the educational culture of the young tends to diminish crime, by removing its causes. It puts an end, partially, to the necessity for penitentiaries, jails, gibbets, pillories, whipping-posts, and all the other horrid paraphernalia of a vindictive penal system. Better to purify the fountain than to attempt to scatter the muddy waters after they have pervaded and poisoned the land. How much better—how much more economical—how much more praise-worthy, for a State to prevent crime by the

mental elevation of its children, which can be achieved at comparatively little cost, than by the infliction of onerous, expensive, and often unjust punishments upon persons made criminals by its own neglect of their mental and moral culture! The statistics of our own and of European States prove that a sound educational system is the best method of preventing crime that has ever yet been devised. As an illustration of this, it has been stated, officially, that out of nearly 28,000 persons convicted of crime in New York, for ten years, but 128 had enjoyed the benefits of a good common school education.

No maxim is more generally received, or better established, than that the safety and success of our republican institutions are dependent upon the intelligence of the people. In a State in which every freeman is a voter, whether enlightened or ignorant, exercising coequal legislative authority as to all the property, interests and fortunes of the State, the necessity for universal education is obvious. The State can receive no love from her inhabitants—there can be no patriotism, if they are but unreasoning and unenlightened agents in “a mighty maze and all without a plan,” so far as they are concerned.

Our national relations are influenced by the same law, as is well evinced in the words of an eminent statesman, recently at the head of the treasury: “Each State is deeply interested in the welfare of every other—for the representatives of the whole regulate, by their votes, the measures of the Union, which must be happy and prosperous in proportion as its councils are guided by more enlightened views, resulting from the more universal diffusion of light, and knowledge, and education.”\*

From the unanswerable force of these views, it is undeniable that it is not only the *highest interest*, but the *clear right and imperative duty* of a State, such as ours, to provide a system of common school education. The property of a State is dependent for protection and safety upon such a system, and should, therefore, pay for its establishment and maintenance.

The wise men who adopted our State constitution—most of whom have now descended to the grave—were filled with these ideas, and accordingly declared, in the organic law, that “schools and the means of education shall forever be encouraged in this State.” Alabama thus entered upon her sovereign career with this bright *prestige*, like a morning star, upon her forehead. But it is most sad and shameful to say that this promise has never been realized. Thirty-five years have elapsed, and we are no nearer the consummation desired, than we were when the constitution was initiated in the town of Huntsville. No general system of public schools—no provision for the means of popular education—has ever been adopted.

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\*Hon. ROBERT J. WALKER.

(The causes of this lamentable neglect were, in part, inherent in circumstances prior to, and cotemporary with, the adoption of our State constitution. When, at the conclusion of the revolutionary war, the congress of the States, for the purpose of paying the general debt, made provision for the sale and settlement of the public lands, it was stipulated that "the sixteenth section in every township should be granted to the inhabitants of such township, for the use of schools," this provision was incorporated in the ordinance of 1787, which became the fundamental law of all the Territories North-west of the Ohio, and of those of Mississippi and Alabama. When admitted as States, they respectively adopted in their constitution the same provision, with some modifications of the terms of the grant. Ohio, Indiana and Illinois stipulated that the section should go "to each township, respectively, in the State, for the use of schools," or "to the State, for the use of the inhabitants of the township, for the use of schools." Mississippi and Alabama took the grant as it stands in our constitution. Michigan, at a later period, seeing the difficulties produced in the other States modified the terms, so as to take the grant "to the State for the use of schools."

The precise terms in which Alabama took the grant are "to the inhabitants of the townships," "for the use of schools within each township." This was the most restricted form in which any of these grants were taken, and as it is stipulated in our State constitution that "the geneaal assembly shall take measures \* \* to apply the funds which may be raised from such lands, in strict conformity to the objects of such grant," and as congress has since (in 1827) signified its will that the proceeds of the sales of such sections "shall forever be applied, under the direction of the legislature, for the use and support of schools within the several townships and districts of country for which they were originally reserved and set apart, and for no other use or purpose whatsoever,"—it is clear that the grant cannot, in any manner, be diverted from its specified objects. The legislature is the sworn and inalienable trustee for the application of the fund, and our courts have frequently sustained the clear intendments of the grant.

The limitations of this beneficent grant have defeated the very object for which it was intended—the advancement of education—and have been the chief cause of the obstacles which have existed to the establishment of a public school system in this State. It so happened that a most unequal and unjust distribution of values was the result. Those townships in which the sixteenth sections were valuable, were generally composed of very rich lands, divided into a few large plantations, with consequently but few white inhabitants; while in the townships that were poor or valueless, the sixteenth sections were of the same character, while the inhabitants were numerous and indigent. The means of education were thus furnished most liberally where they were not wan-

ted, while the needy sections were left almost or entirely without them.

The inequalities in the distribution of the sixteenth section bounty may be forcibly illustrated by a few facts. The total number of townships in this State is 1,572. Of these, 873 have sold their sixteenth sections, leaving 699 which have not made a sale, from their sections being below the minimum value. Those that were sold embraced 558,720 acres, and brought \$1,575,598. The residue of the sections, if sold, it is estimated, would swell this amount to about *two millions of dollars*—the munificent donation of the General Government for schools in this State.

From reports heretofore made, it appears that the value of the sixteenth sections in the thirteen counties of Autauga, Chambers, Dallas, Greene, Limestone, Lowndes, Madison, Montgomery, Perry, Pickens, Sumter and Tuscaloosa, is at least one-third more than half the value of all the other sixteenth sections in the State, while the white population of those counties is but little more than one-fourth of that of the whole State. Dallas county, with a white population of about 7,000, has an annual fund of near \$5,000, while Mobile, with near 18,000 white inhabitants has no fund. Coosa, with a white population of near 11,000, does not get annually \$600, and Pike with near 13,000, gets less than \$450. The whole county of Covington receives but \$6,90, while one township in Perry gets \$1,200 annually, and another but sixty-seven cents.

These inequalities, existing from the commencement, and bad management in the sales and collections, have rendered the sixteenth section fund almost valueless to accomplish its objects, except in certain localities, where it was least needed—thereby producing invidious prejudices in the minds of the people. It has never been so used by the State, for these reasons, as to effect the good which it might have done.

The committee will not attempt to rehearse the various measures of legislation which have been adopted for the application of this fund, or the glaring obstacles which it has presented to the adoption of any general and efficient system of common school education. While the people have felt most sensibly the want of such a system, they have staggered along, vainly attempting to wield the incubus which the general government has entailed upon them—designed for good, but productive only of evil. The past summer, by an order of the legislature, an attempt was made to consolidate the fund, by the consent of the townships, but this resulted in a failure—only a few townships voting for the measure. It now stands an unshapely mass of misapplied bounties, producing inequalities inconsistent with the spirit of our institutions—establishing a class of accidental and not meritorious beneficiaries, and presenting aristocratic features, prejudicial alike to social and educational excellence.



As this cause has hitherto obstructed the creation of a proper school system in our State, so it has presented difficulties to your committee, in responding to the resolution of the house of representatives. There have been sufficient indications in the past, that the people would not favor any system of public schools which did not embrace the sixteenth section fund within purview of its arrangements, and give to the munificent appropriations some equitable and efficient application. And this is proper. No system would be just, economical or provident, which left the township endowments out of view. These have been made in the other States, similarly situated, the basis of their educational establishments. Ohio, Indiana and Illinois have adopted the principle of equalization by appropriations, from their State treasuries, to the deficient townships. This has worked well, and has given to them successful institutions for elementary learning. The general government has recognized the propriety of the same course in our own state. In 1848 it made an appropriation amounting in its proceeds to about \$100,000, in aid of the valueless sixteenth sections.

Your committee have recognized this as the only mode of obviating existing inequalities, and giving to the great mass of children in our state the bread of intellectual life. They have accordingly prepared, with great care and labor, a system of free public schools, in which this is made the fundamental and pervading provision. They have proceeded upon the principle that every child in our state, of suitable age, is entitled to a sufficient sum to give him the elementary branches of knowledge, free of cost; and that when any child does not receive such sum from the sixteenth section fund, it should be afforded to him by the State. It cannot be unjust to the inhabitants of the richly endowed townships, to make such appropriations, for it is but placing the children of the poor, four-fifths of our rising population, upon an approximate platform of equality with those who, as we have said, are but the accidental, not meritorious, recipients of a bounty unneeded in most instances by them.

To carry into effect this great republican principle of equalization, the committee have provided, in the bill herewith reported, for the necessary machinery and appropriations—the object being to establish in every township where the number of children demands it, at least one free public school, for primary instruction.

In estimating the amount which should be appropriated for this object, it is necessary to take into view the number of children in the State between five and eighteen years, which has been agreed upon by the committee, from the experience of other States, and the condition of our own, as the proper educational age. The last census tables show that there are in this State (as nearly as can be estimated) about 140,000 children of that age. Our citizens should blush to be told that of this number near 100,000 receive no school

instruction. So great mental destitution, proportionally considered, is apparent in no other State. To meet this want will require reasonably liberal appropriations. Other States have not stinted their bounties for free school education. The New England States give every cent that is necessary to instruct every child. Massachusetts, with a population of 1,000,000 of people, annually expends on schools not far from \$1,500,000. The State of New York annually expends near \$2,000,000, in addition to the vast endowments that have been made by private munificence. Pennsylvania fortifies her Key Stone by a corresponding appropriation of \$1,000,000. The State of Louisiana, our neighbor on the south-west, with analagous institutions and fortunes, has given annually for several years, \$450,000 in aid of a free school system. All the other States of the south and west have made generous legislative donations of corresponding amounts, according to their numbers and resources, for the same great object.

What, then, from these and like examples, would be a proper allowance in the rich and flourishing State of Alabama, for the education of her children? Surely two dollars a scholar is the lowest *minimum* which could be regarded as adequate for that purpose. This would demand an annual fund of \$280,000. But the committee have so arranged their system as not to require so large a sum. They only ask from the State about \$148,000, in addition to the \$80,000 annually distributed from the sixteenth section fund. With this amount, which is only a little over one-fifth of the present revenue of the State, and which could be applied without any increase of taxation, good free schools might be established in every township, and Alabama, instead of being the home of thousands of adults who can neither read nor write, would eventually be able to boast, like Connecticut, that there was not one such in all her borders.

There can be no doubt that the people of this State would more gladly accede to such a disposition of the funds in the treasury than to any other. They exhibit this in the clamorous demands which have been sent up every year, for the establishment of common schools, and in the utterance of all the organs of thought and sentiment in our State. It is not from any one class that this appeal comes—from no favored few—but from the great body of the people, who are the chief strength and support of the State in peace or in war—its rightful rulers in all legislation—and whose voice should be heard and obeyed. They demand the “means of education,” cost what it may, for their thousands of little children who are springing to maturity, through all our towns and backwoods—for they know and feel that, if they can leave to their offspring no other legacy, by giving them knowledge they possess them of treasures more valuable than all the jewels of Solomon.—The legislator who in a penurious and demagogical spirit, or from any selfish considerations, resists such a demand, must encounter the severest condemnation of the people.

Your committee will not dwell upon the administrative machinery which they have provided for the system. The experience of all the other States has shown the absolute necessity of some single superintending head, to give harmony, completeness and efficiency to any general educational plan. The superintendent now recommended is to be an officer of the State, analogous to the comptroller, for the management of the funds, and possessing other general and special powers, for the advancement of free school instruction. He should always be a gentleman of the highest intellectual attainments and the purest moral worth, and therefore an adequate but by no means extravagant salary is provided.

The powers and duties of this officer, and of those for the counties and townships, are so arranged as to secure efficient co-operation, and to cause them to act as the requisite checks and safeguards upon each other, in the disbursement of the funds.

The committee, without commenting further upon the provisions of the bill, which are in themselves sufficiently explicit, submit it for the action of the legislature. They are pleased to learn that the bill has met the approval of the Committee on Education in the Senate, and will be contemporaneously presented to that body.

In conclusion, your committee would reiterate the general views embraced in this report. There can be no doubt that it is the unquestionable *right*, the highest *interest*, and the most imperative *duty* of the State to educate her children. This is best done by a system of free public schools. The elementary branches of learning, at least, should be given to all pupils, "without money and without price." In our State the munificent endowments of the general government should no longer be permitted to run to waste, but should be connected with additional funds from the State treasury, so as to carry the means of education into every township, and especially to the children of the poor. This would eventually make the intellectual character of Alabama correspond with her physical greatness, and her vast and inexhaustible industrial resources. Her woods of all timber, her mountains of iron and marble, her vallies teeming with every produce and irrigated by the noblest of navigable streams, converging to the great central sea of the West, her plains and prairies, opulent and white with the harvests that fill and originate the markets and manufactories of the world, her thriving towns and cities, her sturdy sons and fair daughters—the noblest of all populations—her genial climate, where health and comfort have their home, and, chief of all, her great improvements, interlinking and combining the whole—these are the elements and attributes of her physical superiority. Shall not literature, and science, and popular education—the most precious of all possessions—without which all others are dim and comparatively worthless—illuminate and beautify the vast combination, and make our favored commonwealth worthy to stand by the side of her sister republics? It is for this legislature to say. We have

the heritage of all the past to guide us—the hopes of all the future are dependent upon our action. Let us perform our duty in a full sense of the responsibilities that are upon us, and in no niggard or narrow spirit.

All of which is respectfully submitted, together with the bill prepared by the committee.

A. B. MEEK, *Chairman.*

#### SPECIAL ORDER.

The hour of a quarter before 11 o'clock, a. m., having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill to be entitled an act to aid in the building of rail roads in the State of Alabama; when,

On motion of Mr. L. P. Walker, the further consideration of the same was suspended until a quarter before 11 o'clock, a. m., to-morrow.

Mr. Gilbreath moved to suspend the order of business in order to take from the orders of the day the bill entitled an act for the payment of money to John F. Dill for removing obstructions in the Coosa river:

Said motion prevailed; and

The bill was read, and the yeas and nays were demanded on ordering the same to be engrossed for a third reading.

The bill was ordered to be engrossed; yeas 52, nays 26.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Belser, Bishop, Burnett, Camp, Calhoun, Clifton, Cochran, Comer, Cowan, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Gibson, Gilbreath, Gillam, Goodin, Gordy, Hays, R. H. J. Holly, Horn, Humphreys, Irwin of Walker, Jay, Johnson, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Choctaw, Meek, Murphy, Nelms, Odom, Owen, Pickett, Rhodes, Shelly, St. John, Thornton, Vest, Walker of Mobile, Walker of Lauderdale, Webb, Whitsitt and Yelverton.

Those who voted in the negative, are:

Messrs. Burnett, Carroll, W. P. Davis, Foscue, Garth, Hanserd, Henry, A. Holly, Hubbard, Inge, Lawrence of Cherokee, Lindsey, Musgrove, Newell, Reynolds, Robinson, Sanford Skelton, Sterritt, Talbert, Todd, Ward, Weaver, Wilkins, Wills and Yeldell.

The Senate bills,

To amend the charter of the Girard Rail Road Company;

To incorporate the Alabama and East Tennessee Rail Road Company; were severally read, and the constitutional rule being suspended, were read the second time, and referred to the Committee on Internal Improvement.

The Senate bills,

To settle definitely the boundary between the States of Alabama and Georgia;

To incorporate the Wetumpka Mutual Insurance Company; were severally read, and the constitutional rule being suspended, were read the second time and referred to the Committee on the Judiciary.

The Senate bill:

To incorporate the Mobile and Dog River Manufacturing Company, was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Corporations.

The Senate bill:

To amend the several acts incorporating the town of Tusculum in Franklin county, was read, and the constitutional rule being suspended, was read the second time, and referred to a select committee composed of the delegation from the county of Franklin.

The Senate bill:

To incorporate the Gas Light Company of Selma, was read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on Corporations.

The Senate bill:

To amend section 3992 of the Code of Alabama, was read, and ordered to a second reading.

The House concurs in the amendment of the Senate to the resolution of the House in regard to the election of a chancellor and two trustees on Wednesday next.

Mr. Belser moved to suspend the order of business in order to take from the orders of the day the bill entitled an act to incorporate the Montgomery Gas Light Company.

Said motion prevailed; and

The said bill was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

#### SPECIAL ORDER.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the first special order for the hour, it being the bill to be entitled an act declaratory of the powers of jurors in criminal cases, when the same was, on motion of Mr. Percy Walker, laid on the table.

The House then proceeded to the consideration of the next special order, it being the Senate bill to legalize a marriage between David Humphreys and Martha Griffin; the said bill was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

Mr. Jay moved to suspend all special orders in order to take from the orders of the day the Senate bill for the relief of John Rudolph of Covington county.

Said motion prevailed; and

The said bill was read the second time, and the constitutional rule being suspended, was read the third time, and passed.

The House then proceeded to the consideration of the bill to change the time of holding the regular sessions of the general assembly of the State of Alabama; when,

On motion of Mr. Pickett, the further consideration of the same was postponed until next Saturday, and to be made the special order for 11 o'clock, a. m., of said day.

The amendment of the Senate to the House bill in reference to the fees of the judge of probate of Mobile county, and for other purposes, was concurred in.

A message from the Senate:

Mr. Speaker: The Senate has passed bills of the following titles:

To settle definitely the boundary between the States of Alabama and Georgia;

To amend the charter of the Girard Rail Road Company;

To incorporate the Wetumpka Mutual Insurance Company;

To amend the several acts incorporating the town of Tusculumbia;

To incorporate the Gas Light Company of Selma;

To amend section 3992 of the Code of Alabama; which originated in the Senate.

Also, a bill to incorporate the Tuskegee Female College;

For the relief of Wm. Weatherford and others; which originated in the Senate.

The Senate concurs in the report of the Committee of Conference on the bill to exempt certain property from sale by executors and administrators.

The Senate has amended the resolution of the House in regard to the election of a chancellor and two trustees on Wednesday next, by striking out so much of said resolution as relates to the election of a chancellor, and concurs in said resolution as amended.

The Senate has also originated and passed a bill to incorporate the Alabama and East Tennessee Rail Road Company; in which the concurrence of the House is requested.

Mr. Lindsey, from the Committee on Enrolled Bills, to whom was referred the bill to authorise the judge of probate of Macon county to grant letters of administration, &c.; also,

The bill for the relief of Caswell C. Capshaw and William H. Cobb of St. Clair county; reported the same as being correctly enrolled.

Mr. Burnett, from the Committee on Enrolled Bills, to whom was referred the bill to be entitled an act supplemental to an act to amend the charter of the Mobile and New Orleans Rail Road Company, reported back the same as correctly enrolled.

The House then adjourned until this evening, at 3 o'clock.



## AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to their names:

Messrs. Speaker, Alldredge, Allen, Belser, Bishop, Camp, Calhoun, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Garth, Gillam, Gordy, Hanserd, A. Holly, Horn, Lawrence of Fayette, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Payne, Phillips, Pickett, Sanford, Skelton, St. John, Sterritt, Todd, Vest, P. Walker, Webb, Wills and Yeldell.

Mr. Percy Walker, from the Committee on the Judiciary, reported adversely to the bill to authorise executors and administrators, on application to the probate court, to dispose of said warrants.

Said report was concurred in.

Mr. Percy Walker, from the same committee, reported back the bill to define the powers of circuit judges in certain cases, and for other purposes, with amendments thereto.

Said amendments were adopted; and

The said bill, as amended, was read the third time under a suspension of the constitutional rule, and passed.

Mr. Cochran, from the same Committee, reported back joint resolutions proposing amendments to the constitution, giving to the people the election of secretary of state, comptroller of public accounts, state treasurer, chancellors, judges of the supreme court, attorney general and solicitors, and providing for the biennial election of representatives to the general assembly, with annual sessions thereof, if provided for by law, and submitted the following report, viz:

## REPORT.

The Committee on the Judiciary, which was instructed by the several resolutions of the House to inquire into the expediency of proposing amendments to the constitution of the State of Alabama, giving to the people of the State at large, of the several chancery divisions and of judicial circuits, the election of secretary of state, state treasurer, comptroller of public accounts, supreme court judges, clerk of the supreme court, chancellors, attorney general and solicitors: And also, of proposing amendments to the said constitution, so as to require annual instead of biennial sessions of the general assembly, with biennial elections, with a limit as to time upon such annual sessions: instructs me to report the accompanying "joint resolutions, proposing amendments to the constitution of the State of Alabama, giving to the people the election of secretary of state, state treasurer, comptroller of pub-

lic accounts, chancellors, judges of the supreme court, attorney general and solicitors, and providing for annual sessions of the general assembly and the biennial election of the representatives thereto, if provided for by law."

No amendment of the constitution is necessary to be made in order to give to the people the election of clerk of the supreme court. If the legislature desire this change, it can be made by law. Your committee does not recommend this change. The appointment of the clerk of the supreme court is now by law given to the judges of that court; their interest, as well as the public interest, requires that this officer shall be fully competent to discharge, and thoroughly versed in the knowledge of the duties of that office. None can be presumed to know better than the judges of that court the qualifications of the applicant. The power to remove its clerk for cause is given to that court by law, and with this power it can always secure the services of a competent, faithful officer.

Your committee is instructed to inquire into the expediency of reporting an amendment to the constitution providing for annual instead of biennial sessions of the legislature, with biennial elections, and a limit as to time upon such annual sessions.

The constitution, prior to the session of 1845-6, seems to have been framed in certain of its provisions with reference to annual sessions. At that session certain changes were made, and others attempted to be made, with reference to biennial sessions of the general assembly, but no part of the constitution has at any time since the organization of the State government required in express terms either annual or biennial sessions; hence, as it is competent for the legislature to regulate its sessions by law, as it has always done, no amendment of the constitution is necessary to accomplish that end. Yet in order to secure an harmonious adoption of the workings of the other departments of the government with the regular sessions of the general assembly, whether they be annual or biennial, your committee will propose such amendments as are called for by the spirit of the instructions of the House.

Although not first in order, yet as first in importance, and to save a repetition of the argument, your committee calls the attention of the House to the constitutional tenure of State treasurer and comptroller of public accounts.

The twenty-third section of the fourth article of the constitution provides that these officers should be elected annually, by a joint vote of both Houses of the general assembly. The legislature of 1844-5 proposed various amendments to the constitution, among which was one proposing to amend said twenty-third section of article four, by striking out the word "annually," and inserting the word "biennially."

Let us here inquire what is necessary to be done to make a proposed amendment to the constitution valid as a part thereof? The constitution itself answers the question:

1st. The amendments must be proposed by two-thirds of each House.

2d. The returning officers of the next general election must open a poll for, and make a return of, the names of all those voting for said proposed amendments.

3d. It must appear that a majority of all the citizens of the State, voting for representatives, have voted in favor of such proposed amendments.

4th. Two-thirds of each House of the next general assembly, and before another, shall ratify the same amendments.

These four steps are controlled by the proviso to the same section, which declares that the said proposed amendments shall *at each* of the said sessions have been read three times on three several days in each House.

These are the plain, unmistakeable requirements of the Constitution, pointing out in itself, and for itself, the steps to be pursued in amending it.

We have shown what the constitution required to be done. Let us now see what was done in connection with the proposed amendment :

1st. The amendment was proposed by two-thirds of each House of the general assembly of 1844-5. The first step was rightly taken.

2d. The returning officers did not open a poll for said proposed amendment, nor make return of the names of those voting for said proposed amendment. The joint resolutions required the returning officers to open a poll for, and ask of the voters their will on but two propositions—the first, “Are you in favor of biennial sessions of the general assembly,” a query not propounded by either of the proposed amendments; and, second, “Are you in favor of removing the seat of government from Tuscaloosa?”

But it has been urged that the direction in said joint resolutions to the returning officers was unnecessary, inasmuch as they were required by the constitution to open said polls and make said returns. Did they do so? The returns on file in the office of the secretary of state show that the only polls opened, the only votes returned were those given in response to the two questions “biennial sessions” and “removal.” The second step then was not rightly taken. And as the votes were not given on the said proposed amendments, they could not be returned; and it could not, and does not appear that a majority of the citizens voting for representatives voted for said proposed amendments. Hence the third step was not rightly taken.

We next look to the action of the second session as to the fourth step.

The joint resolutions ratifying the proposed amendments to the constitution refer to the joint resolutions proposing said amend-

ments, and purport to set out said amendments *in hæc verba*, but said resolutions of *ratification* entirely omit the amendment proposed to the twenty-third section of the fourth article. Hence, this particular proposed amendment was not read in either House of the next general assembly, as required by the constitution.

We see then that four steps are required by the constitution to make valid the proposed amendment, and that in the one under consideration but one of these steps have been taken.

It has been argued by high authority, and former legislatures have assented to the argument, that as the legislature of 1845-6 recited in its resolutions of ratification the caption of the joint resolutions of 1844-5, and clearly manifested its intention to ratify each of the proposed amendments, that this intention must govern. This argument is inconclusive, more particularly so when we point to the fact that the resolutions of the session of 1845-6, ratifying said proposed amendments, recite in their preamble, laying a predicate for their validity, that "the people of this State, *in manner and form as provided by the constitution of this State, have accepted the said amendments,*" thus assuming as fact that which we have shown did not exist, and which was absolutely necessary to give the legislature of 1845-6 jurisdiction in the premises, viz: the voting by the people in favor of "said proposed amendments."

Your committee cannot believe that the constitution can be amended by intendment, when the records of the government show affirmatively the non-compliance with three of the four prerequisites of a valid amendment.

Your committee is instructed to report an amendment to the constitution, giving to the people of the state at large the election of the state treasurer and comptroller of public accounts. In performing this duty it has remedied the omission above indicated by striking out of article four the twenty third section, and inserting in lieu thereof the following:

"Sec. 23. A state treasurer and a comptroller of public accounts shall be biennially elected by the qualified electors of the state at large."

The said joint resolutions of 1844-5 proposed to amend the third section of the third article of the constitution in relation to the election of representatives, by striking out "every year" and inserting "every two years."

This proposed amendment was not voted for by the people further than they may be considered in the general proposition of "Are you in favor of biennial sessions?"

No return was made of the votes for this proposed amendment. The legislature of 1845-6 in its resolution of ratification struck out "every year" and inserted "at each session."

The amendment to this section, as proposed by the legislature of 1844-5, was not read in each house of the next general assembly.

bly, as required by the constitution, and hence the second, third and fourth steps required by the constitution were not taken in this proposed amendment; and since 1847 representatives have been chosen biennially, while the constitution requires them to be chosen "every year."

Your committee has provided for this omission in the accompanying joint resolutions, by striking out "every year" and inserting "biennially."

The eighth section of the fourth article of the constitution provides that the Governor, in case of a disagreement between the two houses with respect to the time of adjournment, may adjourn them until such time as he shall think proper, not beyond the day of the next biennial meeting of the general assembly.

Your committee proposes to amend said section by striking out the word "biennially" and inserting the word "regular," thus adapting the said section to annual or biennial sessions, as the case may be.

The adoption of the amendments above indicated will harmonize the workings of the other departments of the government, with either annual or biennial sessions.

Your committee doubts the policy of fixing a limit as to time.

In obedience to the instructions of the house, the committee instructs me to report the accompanying joint resolutions.

Mr. Percy Walker, from the minority of said committee reported a preamble and resolutions entitled joint resolutions proposing to call a convention to alter and reform the constitution; and

On motion, the further consideration of said resolutions and reports were postponed until next Thursday week at a quarter before 11 o'clock of that day, and to be made the special order for that time, and 133 copies ordered to be printed.

Mr. Humphreys, from the Committee on the Judiciary, reported back the bill to authorize the county treasurer of Jackson county to pay certain claims, &c.

Said bill was read and ordered to be engrossed for a third reading on to-morrow.

Mr. Humphreys, from the same committee, reported back the bill to amend a certain clause of section 3046 of the code of Alabama.

Mr. Percy Walker moved to amend said bill by excluding from its operation the counties of Mobile and Montgomery.

Said amendment was adopted, and the bill as amended was then ordered to be engrossed for a third reading on to-morrow.

Mr. Percy Walker, from the same committee, to whom was referred the resolution instructing said committee to inquire into the expediency of further legislation to regulate the summoning and pay of witnesses in civil cases and State prosecutions so as to provide that if more than two witnesses be summoned to prove one fact, no more than the attendance of two witnesses shall be taxed,

to be paid by the defendant or the county, should the cost become a county charge, reported back a bill to be entitled an act relative to the pay of witnesses in State cases.

Said bill was read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed.

Mr. Percy Walker, from the same committee, reported back a substitute for the bill to be entitled an act to amend the law in relation to pleadings.

Said substitute was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cochran, from the same committee, to whom was referred the bill from the Senate to increase the fees of the clerk of the supreme court, reported the same back with amendments.

Said amendments were adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Pickett, from the same committee, reported adversely to the petition of sundry citizens of Lauderdale county, praying the passage of a law requiring all irresponsible persons to give security for costs in all cases in actions to be by them commenced.

Said report was concurred in.

Mr. Pickett, from the same committee, reported adversely to the bill to amend and consolidate the several acts establishing jury trials in justices' courts in Cherokee and Marshall counties, &c.

Said report was concurred in.

Mr. Pickett, from the same committee, reported adversely to the bill to regulate the costs of constables.

Said report was concurred in.

Mr. Pickett, from the same committee, reported adversely to the bill to define the payment of costs in certain cases.

Said report was concurred in.

Mr. Wm. P. Davis, from the same committee, reported back the bill authorizing the holding special terms of the circuit courts in certain cases.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Belser, from the same committee, reported adversely to the petition of Mary Leatherwood to authorize the sale of a woman and child belonging to the estate of her late husband.

Said report was concurred in.

Mr. Belser, from the same committee, reported back a bill to lay off Cherokee county into four commissioners' districts, and for other purposes therein mentioned.

Mr. Rhodes moved to amend said bill by extending its provisions to the county of Lauderdale.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.



Mr. Belser, from the same committee, reported adversely to the bill to amend the act of February 10th, 1852, to define the liability of rail road companies.

Said report was concurred in.

Mr. Wm. P. Davis, from the same committee, reported adversely to the bill to repeal attorneys' fees in the code, under section 3048.

Mr. Skelton moved to lay said motion on the table, and demanded the yeas and nays.

Said motion was lost—Yeas 36, nays 38.

Those who voted in the affirmative are:

Messrs. Alldredge, Bishop, Carroll, Clifton, Foreman, Gibson, Gillam, Goodin, Greene, Hanserd, Hays, R. H. J. Holly, A. Holly, Horn, Hubbard, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Murphy, Musgrove, Nelms, Odom, Payne, Reynolds, Rhodes, Sanford, Shelly, Skelton, St. John, Talbert, Vest, Whitsitt, Wilkins, Wills and Yeldell.

Those who voted in the negative, are:

Messrs. Bell, Belser, Benners, Brown, Calhoun, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Garth, Gilbreath, Henry, Hill, Humphreys, Inge, Johnson, Judge, Lindsey, Meek, Newell, Owen, Phillips, Pickett, Robinson, Sterritt, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, and Webb.

Said report was then concurred in.

Mr. Walker, from the same committee, reported back a substitute for the bill entitled an act to amend section 3172 of the code, to be entitled an act to change the punishment for larceny in certain cases.

Said substitute was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. L. P. Walker, from the Committee on Internal Improvement, with leave of the House, reported back the bill to remove the Colbert Shoals, in the Tennessee river, amended by striking out "seventy-five," where the same occurs in the first section of the bill, and inserting "fifty."

Said amendment was adopted, and the bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. Benners, from the Committee on the Judiciary, reported back the bill to amend the law in relation to attachments against foreign corporations.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Benners, from the same committee, reported back the bill to be entitled an act as to decrees in chancery for the balance of debts secured by mortgage or equitable lien, not satisfied by the

sale of the property ; and the said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Benners, from the same committee, reported adversely to the bill to amend section 2165 of the code.

Said report was concurred in.

Mr. Percy Walker, from the same committee, reported back the bill to explain and amend sections 2027 and 2029 of the code, amended by adding a fourth, fifth, sixth and seventh section.

Said amendments were adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Belser, from the same committee, reported adversely to the bill to amend the law in relation to forcible entry and detainer ; and pending the question of concurring in said report,

The House then adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, January 25, 1854.

The House met pursuant to adjournment.

Mr. J. W. Davis moved to reconsider the vote taken on yesterday on ordering to a third reading the bill to enable A. Little and others to turnpike a certain road.

Said motion prevailed ; and

On motion the said bill was referred to the Committee on Roads, Bridges and Ferries.

Mr. Pickett moved to reconsider the vote taken on concurring in the report of the Committee on the Judiciary, against the bill authorising executors and administrators to dispose of land warrants.

Mr. Percy Walker, with leave of the House, reported back the bill to authorize the construction of a plank or shell road along the bay of Mobile.

Mr. Percy Walker moved to amend said bill by addition of section eight.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Shelly, with leave of the House, introduced a bill to be entitled an act to provide a summary remedy against plank and turnpike companies, and for other purposes ; which was read, and the constitutional rule being suspended, was read the second time and referred to a select committee composed of the delegations from Talladega and Coosa counties.

Mr. Curry, with leave of the House, reported back the bill to amend the charter of the Gainesville and Mississippi Road Company, amended.

Said amendment was adopted, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Green moved to reconsider the vote taken on yesterday concurring in the report of the Committee on \_\_\_\_\_, against the bill defining the liability of rail road companies; and,

On motion, said motion was postponed until to-morrow at 11 o'clock a. m.

#### ELECTION OF TRUSTEES FOR THE UNIVERSITY.

The hour of 11 o'clock having arrived, the Senate, by invitation, appeared in the hall of the House, and the two Houses in convention proceeded to the election of a trustee for the University of Alabama for the first judicial circuit, to fill the term beginning in February, 1855.

The name of Edmund Baptist being alone in nomination, Mr. Speaker declared him duly and constitutionally elected trustee for the University for the first circuit, the term to commence in February, 1855.

#### SPECIAL ORDERS.

The hour of a quarter before 11 o'clock a. m. having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill to aid in the building of rail roads in the State of Alabama.

Mr. Scott moved to amend said bill by way of proviso at the end of the second section, and strike out the last section of the bill.

After some discussion thereon, and Mr. Belser being entitled to the floor,

The House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to aid in the building of rail roads in the State of Alabama, when,

On motion of Mr. Coehran, the special orders were suspended in order to proceed to the consideration of the message from the Senate.

The Senate bill:

To authorize the transfer of a certain cause now pending in the city court of Mobile to the circuit court of said county, was read, and the constitutional rule being suspended, was read the second and third times and passed.

The Senate bill:

To amend the charter of the town of Marion in Perry county, was read.

Mr. Talbert moved to amend said bill as follows:

Strike out in the second section "and Alabama River Transportation," and insert "Rail Road."

Said amendment was adopted, and the bill as amended was read the second time, under a suspension of the constitutional rule, and ordered to a third reading.

Senate memorial and joint resolutions of the general assembly of the State of Alabama to the general assembly of the State of Mississippi, were adopted.

The Senate bills:

To establish a medical board in the county of Choctaw;

In relation to holding magistrate courts in the county of Tallapoosa;

To incorporate the Brewersville Male and Female Academy in the county of Sumter;

For the relief of the heirs of Emanuel Brewton of Conecuh county;

Incorporating the town of Opelika;

To alter and amend the militia laws of the State of Alabama, were severally read the first, and the constitutional rule being suspended, were severally read the second and third times forthwith, and passed.

The Senate bill:

To prevent camp hunting in the counties of Shelby, and Jefferson, was read the first, and the constitutional rule being suspended, was read the second time, and referred to a select committee composed of the delegations from the counties of Shelby, Bibb, St. Clair and Randolph.

The Senate bill:

To appropriate certain sums for improvements in the penitentiary, and for other purposes, was read; and,

On motion of Mr. Percy Walker, was ordered to lie on the table.

The Senate bill:

To amend and extend the provisions of an act approved January 6, 1845, was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

The Senate bill,

Further to amend the charter of the Mobile Navigation and Mutual Insurance Company, was read and ordered to a second reading.

The House concurs in the amendment of the Senate to the House bill entitled an act authorizing courts of county commissioners to establish, abolish and change the places of voting in election precincts.

The House refused to concur in the amendment of the Senate to the House bill to regulate the sale of real and personal property by executors and administrators.

The House refused to concur in the amendment of the Senate to the House bill to make protests of notaries and other authorized persons evidence in certain cases.

Mr. Gilbreath, with leave of the House, offered the following resolution:

*Resolved*, That the engrossed clerk be and he is hereby authorized to employ such assistance as may be necessary to keep up the business of his office, at a sum not exceeding five dollars per day.

Mr. Cowan moved to amend said resolution as follows:

*Resolved*, That the provisions of the above resolution be extended to the assistant clerk of the House, and that his assistant be paid in the same manner.

Said amendment was adopted, and said resolution as amended was adopted.

A message from the Senate:

Mr. Speaker: The Senate has passed bills of the following titles:

To amend and extend the provisions of an act approved January 6, 1845;

To amend the military laws of the State;

To amend the charter of the town of Marion;

To incorporate the town of Opelika;

For the relief of the heirs of Emanuel Brewton;

To provide for payment of certain fees to notaries public, &c.;

To prevent camp hunting in the counties of Shelby and Jefferson;

To amend the charter of the Mobile Navigation and Mutual Insurance Company;

To incorporate the Brewersville Male and Female Academy;

In relation to holding magistrate courts in the county of Talapoosa;

To appropriate certain sums for improvements in the penitentiary;

To authorize the transfer of a certain cause now pending in the city court of Mobile to the circuit court of said county.

And bills which originated in the House as follows:

To incorporate the "Can't get away Club" of Mobile;

To authorize the county treasurer of the county of Jefferson to pay over certain funds, &c.;

To provide for a geological and agricultural survey of this State;

To increase the compensation of grand, petit and tales jurors in the county of Macon;

To attach David Seabors of Benton county to precinct number one;

To regulate the sale of real and personal property by executors and administrators—amended;

To make protests of notaries and other authorized persons evidence in certain cases—amended;

Authorizing courts of county commissioners to establish, abolish and change the places of voting in election precincts—amended;

For the relief of the deaf and dumb in this State;  
To alter the commencement of the fall term of the circuit court in the 8th circuit, &c.

The Senate has originated and passed a preamble and joint resolutions, and a bill to establish a medical board in Choctaw county, in which the concurrence of the House is requested.

Mr. Judge moved to suspend all the special orders in order to proceed to the consideration of the calendar.

Said motion was lost.

The House then resumed the consideration of the next special order, it being the resolution to adjourn *sine die* on the first Monday in February next.

Mr. Creagh moved to amend said resolution by striking out the "first Monday," and inserting the "second Monday."

Mr. Meek moved to lay said resolution and amendment on the table, and the yeas and nays were demanded.

Said motion was lost. Yeas 31, nays 44.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Belser, Brown, Camp, Calhoun, Cochran, Cowan, Cook, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Gibson, Goodin, Hays, Henry, Hill, Horn, Inge, Judge, McBryde, Meek, Murphy, Nelms, Newell, Odom, Owen, Payne, Pickett, Robinson, Walker of Mobile, Weaver and Yelverton.

Those who voted in the negative, are:

Messrs. Alldredge, Benners, Bishop, Burnett, Carroll, Clifton, Comer, Creagh, Curry, Ervin of Wilcox, Foscue, Gilbreath, Gilham, Gordy, Hanserd, R. H. J. Holly, A. Holly, Humphreys, Irwin of Walker, Jay, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Barbour, McCall of Choctaw, Musgrove, Newman, Phillips, Reynolds, Rhodes, Sanford, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Webb, Whitsitt, Wilkins and Yeldell.

Mr. Belser moved to postpone the further consideration of said resolution until next Tuesday.

Said motion was lost.

Mr. Humphreys moved to postpone the further consideration of said resolution until next Saturday at half past 10 o'clock, and to be made the special order for that hour.

Said motion prevailed.

Mr. Meek moved to suspend all special orders to take from the orders of the day the Senate bill to be entitled an act to subscribe stock in the Mobile and Girard Rail Road, by the city of Mobile.

Said motion prevailed; and

The bill was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

Mr. Hill moved to further suspend the special orders, to take from the orders of the day the bill to incorporate the Central Bank of Alabama.



Said motion prevailed, and the bill was read the third time and passed.

The House then proceeded to the consideration of the next special order of the day, it being the substitute reported by the Committee on the Judiciary, entitled an act to repeal, alter and amend certain sections of the Code relative to attachments.

And pending the adoption of said substitute, the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, January 26, 1854.

The House met pursuant to adjournment.

Mr. Shelly (with leave of the House) moved that the number of copies ordered to be printed of the report of the Committee on the Judiciary, proposing amendments to the constitution of the State, be extended from 133 to 10,000.

Said motion prevailed.

Mr. Skelton introduced a bill to be entitled an act making the county surveyor of Benton county elective by the people; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed;

Also, a bill to be entitled an act to repeal an act declaring Tallasahatchee creek, in Benton county, a public highway; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Meek introduced a bill to incorporate the German Fusileers' Benevolent Society of Mobile.

Mr. Judge introduced a bill to authorize the executors of Claiborne Myers, deceased, to remove the administration of said estate from the county of Autauga to the county of Montgomery.

Said bills were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith and passed.

Mr. St. John introduced a bill to be entitled an act to appropriate a portion of the two per cent. fund to the Elyton and Beard's Bluff Rail Road; which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the Committee on Internal Improvement.

Mr. Weaver introduced a bill to repeal in part certain acts therein named; which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the Committee on Corporations.

Mr. Weaver, with leave of the House, offered the following resolution; which was adopted:

*Resolved*, That the Committee on Roads, Bridges and Ferries be instructed to inquire into the expediency of amending the road law so as to require the overseers of roads to remove all standing dead timber within — feet of their roads, so as to afford greater protection to travelers and persons passing on such roads, with leave to report by bill or otherwise.

Mr. Newman introduced a bill to exempt certain property from levy and sale, and for other purposes; which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the Committee on the Judiciary.

Mr. Newman introduced a bill to ascertain the value of certain sixteenth sections in this State; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Sixteenth Sections.

Mr. Inge introduced a bill to repeal in part section 3256 of the Code of Alabama, in relation to betting with minors.

Mr. Vest introduced a bill to be entitled an act to abolish the county of Hancock.

Mr. Pickett introduced a bill to regulate the manner by which executors and administrators are to give notice of their appointment.

Mr. Judge introduced a bill to compensate Samuel F. Rice and Abram Martin, Esqrs., for professional services rendered for the State of Alabama.

Said bills were severally read, and the constitutional rule being suspended, were severally read the second time and referred to the Committee on the Judiciary.

Mr. Rhodes introduced a bill for the relief of Thomas Brown of Lauderdale county; which was read, and the constitutional rule being suspended, was read the second and third times forthwith.

Mr. Camp moved to amend the same by way of engrossed rider, extending the provisions of the same to John Tylor of Jefferson county.

Said engrossed rider was read three times, and the yeas and nays were demanded on the passage of the bill; and

The bill was passed. Yeas 47, nays 39.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Allen, Belser, Burnett, Camp, Carroll, Clifton, Comer, W. P. Davis, Ervin of Wilcox, Fletcher, Garth, Gibson, Gillam, Goodin, Gordy, Hays, Henry, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Barbour, Musgrove, Nelms, Odom, Owen, Payne, Reynolds, Rhodes, Sanford, Skelton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Webb, Whitsitt, Wilkins, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Benners, Bishop, Brown, Cowan, Cook, Creagh, Curry, J. W. Davis, Findley, Foreman, Foscue, Gilbreath, Hanserd, Hatcher, Hill, R. H. J. Holly, Hubbard, Humphreys, Inge, Judge, Lawrence of Shelby, Lindsey, Martin, McCall of Choctaw, Meek, Murphy, Newman, Phillips, Pickett, Scott, Shelly, St. John, Sterritt, Talbert, Thornton and Ward.

Mr. Payne, with leave of the House, offered the following resolution; which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to investigate whether the Code makes provision for the punishment of the offense of an assault with intent to kill by a white person other than the owner, or person occupying that relation, upon a slave; and, if in the opinion of said committee, no adequate punishment is attached to the commission of said offence, that they report a bill to supply such defect.

Mr. Foscue presented the petition of sundry citizens of Dallas, Perry and Marengo counties, asking that counties may be formed of less extent than 900 square miles; which was referred to the Committee on County Boundaries; also,

The petition of A. B. Hosea and forty-four other citizens of Shiloh, Marengo county, on the subject of the road law; which was referred to the Committee on Roads, Bridges and Ferries.

Mr. Vest presented the petition of sundry citizens of Hancock county, praying the legislature to pass an act abolishing said county; which was referred to the Committee on the Judiciary.

Mr. Percy Walker introduced a bill for the relief of J. H. Daughdrill, tax collector of Mobile county; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Ways and Means.

Mr. Judge presented the petition of E. Osborne, P. R. Gilmer and fifty-two others of Montgomery county, praying the passage of an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Garth introduced a bill to extend the boundaries of the town of Decatur, in Morgan county, and for other purposes; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Garth introduced a bill in aid of the Decatur and Montevallo Rail Road; which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the Committee on Internal Improvement.

Mr. Foreman (with leave of the House) offered the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to report a bill to abolish the penitentiary system in the State of Alabama, and to provide for the disposition of the convicts.

Mr. Curry moved to amend said resolution by striking out the word "report," and inserting in lieu thereof the words "inquire into the expediency of reporting."

Said motion was lost.

The question then recurred on the adoption of the resolution; when

Mr. Laughinghouse moved to indefinitely postpone the further consideration of the same.

Mr. Hubbard moved the previous question.

Mr. Curry moved to postpone the further consideration of the resolution until the 15th day of February next.

Said motion prevailed.

Mr. Whitsitt introduced a bill to incorporate the Livingston Ice House Company; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Shelly presented joint resolutions proposing amendments to the constitution, reducing the size of the counties from nine to six hundred square miles; which was read and ordered to a second reading.

Mr. Brown introduced a bill to prevent the teaching of slaves or free persons of color to spell, read or write; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on the Judiciary.

Mr. Martin, with leave of the House, offered the following resolution:

*Resolved*, That no business shall be introduced into this House after the first day of February next.

Mr. Henry moved to amend said resolution by striking out "first" and inserting "fifth."

Mr. Shelly moved to amend said amendment by striking out "fifth," where the same occurs therein, and inserting "fifteenth" in lieu thereof.

Said amendment was lost.

The question then recurred on the amendment of Mr. Henry, and the same was lost.

The question then recurred on the adoption of the original resolution.

Mr. Yelverton moved to lay the resolution on the table.

Said motion was lost.

The question again recurred on the adoption of the original resolution, and the yeas and nays were demanded.

The resolution was lost. Yeas 29, nays 49.

Those who voted in the affirmative, are:

Messrs. Brown, Camp, Clifton, Comer, Creagh, Foscue, Gibson, Hanserd, Hatcher, Hays, Henry, A. Holly, Humphreys, Johnson, Laughinghouse, Lindsey, Martin, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Newman, Odom, Rhodes, Robinson, Scott, Talbert, Thornton, Todd, Wilkins and Yeldell.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Belser, Benners, Bishop, Burnett, Carroll, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Garth, Gilbreath, Gillam, Goodin, Hill, R. H. J. Holly, Horn, Hubbard, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, Meek, Murphy, Newell, Owen,

Payne, Pickett, Reynolds, Sanford, St. John, Shelly, Sterrett, Vest, L. P. Walker, Percy Walker, Watkins, Weaver, Whitsett and Yelverton.

Mr. Gordy introduced a bill to repeal an act passed and approved on the 9th day of February, 1852; which was read, and the constitutional rule being suspended, was read the second and third times and passed.

Mr. Ervin of Wilcox introduced a bill to exempt Enoch A. Albritton from penalty incurred under section 8005 of the Code of Alabama; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

#### SPECIAL ORDERS.

The House resumed the consideration of the bill reported by the Committee on Internal Improvement, as a substitute entitled an act to aid in the building of rail roads in the State of Alabama.

Mr. Belser being entitled to the floor, after some discussion thereon,

The House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from the Honorables William P. Chilton, George Goldthwaite and John D. Phelan, tendering severally their resignations of the offices of Judges of the Supreme Court of Alabama, to take effect from the first day of February next.

Said communication was laid on the table.

The House resumed the consideration of the report of the Committee on the Judiciary, adversely to the bill to amend the laws in force in relation to forcible entry and detainer; when, on motion,

Said report was laid on the table.

Mr. Judge moved to amend the bill by striking out all after the enacting clause, and inserting a substitute.

Said amendment was adopted, and the bill as amended was ordered to be engrossed.

Mr. Cochran, from the Committee on the Judiciary, to whom was referred the bill legalizing the division of the negroes of H. Lamar, reported adversely thereto.

Mr. Payne moved to lay the report on the table.

Said motion was lost, and the report of the committee concurred in.

Mr. Cochran, from the Committee on the Judiciary, to whom

was referred the bill to amend section 1354 of the Code, reported back the same without amendment, and the bill was ordered to a third reading.

Mr. Cochran, from the same committee, to whom was referred the bill to give the State a lien on money belonging to the State in the hands of its agents, reported a substitute for said bill.

Said substitute was adopted; and

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cochran from the same committee, to whom was referred the bill defining the liability of sheriffs, reported a substitute therefor, to be entitled an act to repeal and substitute section 2466 of the Code of Alabama.

Said substitute was adopted; and

The bill, as amended, was ordered to be engrossed for a third reading.

Mr. Cochran, from the same committee, to whom was referred the bill to amend sections 2570 and 2572 of the Code of Alabama, reported a substitute therefor entitled an act to repeal and substitute section 2572 of the Code of Alabama.

Said substitute was adopted; and

The bill, as amended, was ordered to be engrossed for a third reading.

Mr. Cochran, from the Committee on the Judiciary, to whom was referred the resolution of the House instructing said committee to inquire as to the right of sheriffs and other officers having the right to give the casting vote in case of a tie, to vote when there is no tie, &c., reported, that section 170 of the Code of Alabama declares who are qualified electors. Section 171 declares who shall be disqualified from voting, and that this disqualification does not include sheriffs and other officers from voting when there is no tie.

Section 227 provides who shall give the casting vote for any office to be filled by the votes of a single county, in case of a tie.

Section 242 provides for the like contingency in congressional and senatorial districts, and section 249 for judicial circuits.

Neither section 227, 242 nor 249, disqualifies the sheriff or other officer entitled to give the casting vote, from voting before it is ascertained there is a tie.

The conclusion arrived at by the committee is that the said sheriffs and other officers are entitled to vote in the first instance in their individual capacities, and in case of a tie, to give the casting vote as the umpires of the law, to accomplish the ends of public convenience and necessity.

Said report was concurred in.

Mr. Cochran, from the same committee, to whom was referred the bill to provide for the payment of witnesses required to attend upon the court of county commissioners, reported the same back without amendment.



Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran, from the same committee, to whom was referred the bill to amend section 3297 of the Code, reported back the same amended by striking out the second section.

Said amendment was adopted; and

The bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran, from the same committee, reported adversely to the bill to amend section 3285 of the Code of Alabama; and

On motion of Mr. Jay, said report was laid on the table.

Mr. Shelly then moved to refer said bill to a select committee of five.

Said motion prevailed; and

Messrs. Shelly, Jay, Yelverton, Davis of Benton, and Laughinghouse, were appointed said committee.

Mr. Cochran, from the same committee, reported adversely to the following bills, which were referred to said committee, viz:

The bills:

To repeal section 1186 of the Code of Alabama;

To enlarge the jurisdiction of the probate courts;

To require the printing of records and causes before the supreme court;

To authorise patents to issue for sixteenth section lands in certain cases, and for other purposes;

To compel commissioners of county courts to attend their courts.

Also, the following petitions, viz:

The petition of the judge of probate and other citizens of Pike county;

The petition and counter petitions of citizens of Perry county, in relation to a proposed amendment of the charter of Union Town in said county;

The petition of George F. Sallie in relation to Rufus Green.

Said reports were severally concurred in.

Mr. Cochran, from the same committee, reported adversely to the bill to regulate the fees of probate judges, and circuit clerks in certain cases.

Said bill and report, on motion of Mr. Martin, was ordered to lie on the table.

Mr. Benners, from the same committee, reported back the bill for the benefit of securities and accommodation endorsers, and recommended its passage.

Said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Cochran, from the same committee, reported adversely to the bill to authorise George Hill, administrator, to comply with a certain contract of his intestate.

Mr. Wm. P. Davis, from the same committee, reported adversely to the bill to amend the law in relation to branch summons ; Also, to the bill to amend section 3986 of the Code.

Said reports were severally concurred in.

Mr. Benners, from the Committee on the Sixteenth Section Fund, with leave of the House, reported back the bill to provide for the extension of the debts due sixteenth sections, amended by striking out all after the enacting clause, and inserting a substitute.

Said report and bill, on motion of Mr. Meek, was ordered to lie on the table.

Mr. Hubbard, from the Committee on Federal Relations, to whom was referred the letter of a member of the Colonization Society, and the communication of governor Collier founded thereon, reported that said committee were unprepared to advise any action thereon, and begged to be discharged from the further consideration of the subject.

Said committee were accordingly discharged.

Mr. Curry, from the Committee on Internal Improvement, to whom was referred joint memorials to the congress of the United States, asking grants of land for the Wills' Valley, Elyton and Beards' Bluff Rail Road Companies, reported back a joint memorial to the congress of the United States asking similar grants for all rail road companies in this State.

Said memorial was adopted.

Mr. Curry, from the same committee, to whom was referred the petition of John M. White and others, for a rail road charter, reported back a bill to incorporate the Glennville Rail Road Company.

Said bill was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Curry, from the same committee, reported back the bill to incorporate the North and South Alabama Rail Road Company, with amendments.

Said amendments were adopted.

Mr. Curry then moved to amend said bill as follows: after the words "Tennessee river," where they occur, insert "or to some convenient point on the Alabama and Tennessee River Rail Road."

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the same committee, reported back the bill to incorporate the Wetumpka and Montevallo Rail Road Company, without amendment, and recommended its passage.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the same committee, to whom was referred the Senate bill to amend the charter of the LaFayette Branch Rail Road Company, reported back the same without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the same committee, reported back the bill to incorporate the East and West Alabama Rail Road Company, without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the same committee, reported back the Senate bill to amend an act entitled an act to incorporate the Coosa and Chattooga River Rail Road Company, approved January 6, 1852, without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the same committee, reported back the Senate bill to be entitled an act to amend the charter of the Girard Rail Road Company, with amendments.

Said amendments were adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the same committee, reported back the bill to incorporate the Greensboro' and Union Town Rail Road Company, without amendments.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the same committee, reported back the bill to incorporate the Mobile and Selma Rail Road Company, amended.

Said amendment was adopted.

Mr. Hubbard moved to amend said bill as follows: "*Provided, that the gauge of said road shall be the same as that of the Mobile and Ohio Rail Road Company.*"

Said amendment was lost; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Percy Walker, from the select committee composed of the delegation from the county of Mobile, to whom was referred the bill to regulate the sessions of the circuit and city courts in Mobile county; and also, the petition of James Stewart and others, relative thereto, reported back said bill, amended by way of substitute.

Said substitute was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Lindsey, from the select committee, composed of the delegation of the county of Franklin, reported back the Senate bill to amend the several acts incorporating the town of Tuscumbia, in Franklin county, without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Judge from the Committee on Internal Improvement, to whom was referred the bill entitled an act to remove obstructions in Pea river, reported back the same, amended by way of a substitute.

Said substitute was adopted; and pending the question of ordering the said bill as amended to a third reading, the House adjourned until to-morrow morning at 10 o'clock.

FRIDAY, January 27, 1854.

The House met pursuant to adjournment.

The House concurs in the amendment of the Senate to the bill to be entitled an act to incorporate the Planters' Insurance Company.

The Senate bills:

To define the rights, duties and privileges of free persons of color residing in this State;

To repeal section 2706 of the 8th chapter of the new Code; were severally read and ordered to a second reading.

The Senate bill:

To amend an act to incorporate the Alabama and Noxubee, (Miss.) Rail Road Company, was read the first time, and the constitutional rule being suspended, was read the second time forthwith, and referred to the Committee on Internal Improvement.

The Senate bills:

To incorporate the Perham Manufacturing Company;

To incorporate the town of Larkinsville; were severally read, and the constitutional rule being suspended, was read the second time, and referred to the Committee on Corporations.

Mr. Alldredge introduced a bill to be entitled an act to establish a Botanic medical board in the county of Blount; which was read the first, and the constitutional rule being suspended, was read the second time, and referred to a select committee composed of the delegation from the counties of Talladega and Blount.

Mr. Lawrence of Cherokee, introduced a bill to be entitled an act in relation to surveys and partitions of lands, under the orders of the chancery and probate courts.

Mr. Sanford introduced a bill to be entitled an act to change section 1952 of the Code.

Said bills were severally read the first time, and the constitutional rule being suspended, were read the second time, and referred to the Committee on the Judiciary.

Mr. Newman introduced a bill to be entitled an act to authorise the commissioners' court of DeKalb and other counties, to levy a tax on nine and ten pin alleys, &c.

Said bill was read, and the constitutional rule being suspended, was read the second time.

Mr. Cochran moved to amend said bill by extending its provision to the county of Jackson.

Said motion prevailed.

Mr. Yelverton moved to amend said bill by extending its provisions to the counties of Coffee, Madison, Lawrence, Butler, Russell, Marion, Lauderdale, Fayette, Randolph, Clarke, Talladega, Cherokee, Conecuh, Pickens and Choctaw.

Said amendments were adopted.

Mr. Jay moved to amend as follows: and provided it shall not apply to any such alley not kept for the purpose of profit.

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Lindsey introduced a bill for the relief of Anderson M. Waddell of the county of Franklin; which was read, and the constitutional rule being suspended, was read the second time, when Mr. Henry moved to amend the same by extending its provisions to Archibald W. Burnside of Pickens county.

Mr. Martin moved to indefinitely postpone the further consideration of the bill and amendments, and the yeas and nays were demanded.

Said motion prevailed; and

The further consideration of the said bill and amendments was indefinitely postponed. Yeas 42, nays 38.

Those who voted in the affirmative, are:

Messrs. Speaker, Alldredge, Brown, Clifton, Cochran, Comer, Creagh, J. W. Davis, Fletcher, Foreman, Foscue, Garth, Gordy, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Lawrence of Cherokee, Lawrence of Fayette, Martin, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Newman, Pickett, Reynolds, Robinson, Sanford, Sterritt, Talbert, Thornton, Todd, Weaver and Whitt.

Those who voted in the negative, are:

Messrs. Abercrombie, Allen, Belser, Bishop, Burnett, Camp, Carroll, Cook, Curry, W. P. Davis, Findley, Gibson, Gillam, Hatcher, Henry, Irwin of Walker, Judge, Laughinghouse, Lawrence of Shelby, Lindsey, McBryde, Nelms, Odom, Owen, Payne, Phillips, Rhodes, Shelly, Skelton, St. John, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Wilkins, Wills and Yeldell.

#### SPECIAL ORDER.

The hour of a quarter before 11 o'clock having arrived, the House proceeded to the consideration of the bill reported by the Committee on Internal Improvement, by way of substitute, entitled a bill to extend aid to certain rail roads.

Mr. L. P. Walker moved to amend the said bill by striking out the word "sixty" where the same appears in the first section and thirteenth line of said bill, and inserting "fifty five" in lieu there-

of, and also by striking out all after the word "act" in the eighth line and tenth section; and after some discussion on said bill, the House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

Mr. Benners moved to suspend all prior orders, in order to take certain bills from the calendar.

Said motion prevailed.

The bill to authorize Allen C. Jones to erect gates across the Gum Spring Road was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

Mr. Shelly moved to suspend all prior orders, in order to proceed to the consideration of bills on the second reading.

Said motion was lost.

Mr. Meek moved to suspend all prior orders to proceed to the discharge of the calendar.

Said motion prevailed.

The Senate bill,

To regulate the school fund in the counties of Jefferson, Butler, Fayette and Cherokee, was read the first time, and the constitutional rule being suspended, was read the second time and referred to the Committee on Education.

Mr. J. W. Davis, from the Select Committee, to whom was referred the Senate bill to prevent camp-hunting in the counties of Shelby and Jefferson, reported adversely thereto.

Mr. Humphreys, from the Special Committee of one from each congressional district, and two from the State at large, to whom was referred the bill to be entitled an act to build the Alabama State Central Rail Road, reported the same back amended; and

On motion of Mr. Humphreys the further consideration of the same was postponed until next Monday, at half past 10 o'clock, a. m. of that day, and to be made the special order for that time.

The engrossed bills,

To fix the pay of the probate judge and sheriff of Dale county;

To authorize Melsana J. Lightfoot of Lawrence county, executrix of John F. Lightfoot, deceased, to invest the funds of the said estate, &c.;

For the relief of John Burton, sr., of Walker county;

To regulate the election and compensation of commissioners of roads and revenue in the county of Covington;

To regulate the pay of jurors and witnesses in Dale county, &c.;

To repeal section 930 of the Code in relation to marking cotton, were severally read the third time and passed.



Mr. Fletcher, from the Select Committee, composed of the delegations from the counties of Jackson and Marshall, to whom was referred a bill to change and regulate the times of holding the circuit courts of said counties, reported adversely thereto.

Said report was concurred in.

Mr. McCall of Choctaw, from the Select Committee, to whom was referred the Senate bill to divide the counties of Choctaw and Jefferson into road districts, and for other purposes, reported back the same amended, by striking out the second section, and changing the third to the second section.

Said amendment was adopted ;

And the bill as amended was read the third time under a suspension of the constitutional rule and passed.

Mr. Yelverton, from the Select Committee, to whom was referred the bill to authorize the judge of the fifth judicial circuit to hold special terms, &c., reported the same back without amendment ; and,

On motion of Mr. Yelverton, the said bill was ordered to lie upon the table.

Mr. Creagh, with leave of the House, offered the following resolution :

*Resolved*, That with the concurrence of the Senate the two Houses will assemble in the hall of the House on Wednesday the first day of February proximo, at 11 o'clock, a. m., to elect a chancellor for the northern division of Alabama, to fill the vacancy occasioned by the resignation of E. D. Towns, to take effect on the 15th February, 1854.

Also, to elect three judges of the supreme court, two to take effect from the first of February, 1854, and one from the first of January, 1855.

Mr. Belser moved to amend said resolution by striking out all that relates to the election of a chancellor.

Said amendment was adopted.

Mr. Martin moved to amend said resolution by striking out "Wednesday the first" where the same occurs, and inserting "Saturday the fourth."

Mr. Curry moved to amend said resolution, as follows :

The first vacancy to be filled is the one occasioned by the resignation of the Hon. W. P. Chilton ; the second by the resignation of Judge Goldthwaite, and the third by the resignation of Judge Ligon.

Mr. Creagh demanded the previous question, and the question, shall the main question be now put ? was decided in the affirmative.

The said resolution, as amended, was then adopted.

The engrossed bills,

To increase the compensation of the commissioners' court of Russell and other counties ;

Relative to the pay of witnesses in State cases ;

To authorize the county traasurer of Jackson county to pay certain claims, &c.;

To amend a certain clause of section 3046 of the Code of Alabama, were severally read the third time and passed.

The engrossed bill to aid the Tennessee and Coosa Rail Road, was read the third time.

Mr. W. P. Davis moved to postpone the further consideration of said bill until Wednesday next, and to be made the special order for 11 o'clock of that day.

Said motion was lost.

Mr. Agee moved to lay said bill on the table.

Mr. Curry moved to postpone the further consideration of the bill until Tuesday next, and to be made the special order for the hour of 11 o'clock of that day.

Said motion prevailed.

The engrossed bill for the payment of money to John F. Dill, for removing obstructions in the Coosa river, was read the third time, and the yeas and nays were demanded on the passage of the bill.

Said bill was passed. Yeas 51, nays 34.

Those who voted in the affirmative, are :

Messrs. Speaker, Agee, Alldredge, Belser, Bishop, Brown, Camp, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Garth, Gilbreath, Gillam, Goodin, Gordy, Greene, Hall, Hill, Horn, Humphreys, Jay, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Choctaw, Meek, Murphy, Nelms, Newman, Owen, Shelly, St. John, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Whitsitt and Yelverton.

Those who voted in the negative, are :

Messrs. Allen, Benners, Burnett, Carroll, W. P. Davis, Foscue, Gibson, Hanserd, Hatcher, Henry, A. Holly, Hubbard, Inge, Irwin of Walker, Johnson, Lawrence of Cherokee, Lindsey, Musgrove, Newell, Payne, Phillips, Pickett Reynolds, Rhodes, Robinson, Sanford, Skelton, Sterritt, Talbert, Todd Weaver, Wilkins, Wills and Yeldell.

The engrossed bill,

As to decrees in chancery as to the balance of debts secured by mortgage or equitable lien not satisfied by the sale of the property, was read the third time ; and,

Pending the passage of the same, the House adjourned until to-morrow morning at 10 o'clock.

SATURDAY, January 28, 1854.

The House met pursuant to adjournment.

Mr. Sanford moved to reconsider the vote taken on yesterday,

on the question of indefinitely postponing the consideration of the bill for the relief of Anderson M. Waddell of Franklin county.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

Mr. Carroll introduced a bill to be entitled an act to amend section 3699 of the code of Alabama; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on the Judiciary.

Mr. Inge moved to suspend the constitutional rule in order to take from the orders of the day the bill for the relief of Patrick May.

Said motion prevailed, and the said bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Creagh moved to suspend the rule in order to take from the table the bill for the preservation of game.

Said motion prevailed.

Mr. Wilkins moved to amend said bill by an additional section.

Said amendment was adopted.

Mr. Gordy moved to amend said bill as follows:

By striking out in the first section the word "October," and inserting in lieu thereof "November."

Also, by striking out in the fourth section "March," where the same occurs, and inserting "April."

Said amendments were adopted.

Mr. Shelly moved to amend as follows:

Strike out the words "any county," where they occur in the first section, and insert in lieu thereof "in the counties hereinafter named."

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Vest introduced a bill to be entitled an act to authorize the payment of fines and forfeitures in county claims in the county of Hancock; which was read the first, and the constitutional rule being suspended, was read the second and third times and passed.

Mr. Carroll, (with leave of the House) from the Committee on Corporations, reported a bill to be entitled an act to repeal certain acts therein named; which was read the first, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Cochran presented the account of John Block; which was referred to the Committee on Accounts and Claims.

Mr. Pickett introduced a bill to be entitled an act for the relief of Lewis Parker of Lawrence county; which was read, and the constitutional rule being suspended, the same was read the second time and referred to the Committee on Propositions and Grievances.

Mr. Foreman presented the petition of Benjamin Strange, and

others, citizens of St. Clair county, praying the passage of an act for the relief of Absalom Looney; which was referred to the Committee on Propositions and Grievances.

Mr. Owen introduced a bill to be entitled an act to authorize the corporate authorities of the city of Mobile to regulate wharves and wharfage in said city; which was read the first, and the constitutional rule being suspended, the same was read the second time and referred to a select committee composed of the delegation from the county of Mobile.

Mr. Belser introduced a bill to be entitled an act to charter the Montgomery Life Insurance Company, and for other purposes; which was read the first, and the constitutional rule being suspended, the same was read the second time and referred to the Committee on Corporations.

Mr. Payne introduced a bill to be entitled an act for the relief of Robert H. Howard and James E. Barnett, executors of Harmond Lamar, deceased; which was read the first, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Mr. Martin introduced a bill to be entitled an act supplemental to and explanatory of an act entitled an act to provide for a geological and agricultural survey of the State; which was read the first, and the constitutional rule being suspended, the same was read the second time and referred to the Committee on Internal Improvement.

Mr. Percy Walke: introduced a bill to be entitled an act to preserve legislative documents; which was read, and the constitutional rule being suspended, the same was read the second time and referred to the Committee on the Judiciary.

Mr. L. P. Walker moved to suspend the call of the counties in order to take from the orders of the day the Senate bill to authorize the comptroller of public accounts to settle with the securities of William B. Campbell, late tax collector of Randolph county.

Said motion prevailed, and the bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Cochran, with leave of the House, offered joint resolutions providing for the payment of the clerk of the Committee on the Judiciary of the house of representatives; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Mr. Henry introduced a bill to be entitled an act to amend the law in relation to annual settlements of guardians; which was read the first, and the constitutional rule being suspended, the same was read the second time and referred to the Committee on the Judiciary.

Mr. Henry introduced a bill to be entitled an act to incorporate the North-western Rail Road Company of Alabama; which was

read the first, and the constitutional rule being suspended, the same was read the second time and referred to the Committee on Internal Improvement.

Mr. Henry, from the Committee on Temperance, to whom was referred the petition of citizens of Lowndesboro, praying the passage of a law prohibiting the selling of spirituous liquors within three miles of the town, reported the same back, and recommended its reference to the Committee on Corporations, and the same was accordingly referred.

Mr. Phillips, with leave of the House, introduced a bill to be entitled an act to incorporate the Broad Street Hotel Company of Selma; which was read the first, and the constitutional rule being suspended, the same was read the second time and referred to a select committee, composed of the Delegation from the county of Dallas.

Mr. Meek, from the Committee on Internal Improvement, to whom was referred the following report of the commissioners for the improvement of the navigation of the Black Warrior river, reported the same back and recommended that it be entered on the Journal of the House, and that the committee be discharged from its further consideration.

Said report was concurred in.

#### R E P O R T

*Of the Commissioners for the improvement of the Black Warrior River.*

To the Senate and House of Representatives of the State of Alabama in General Assembly convened:

The undersigned, president of the board, in pursuance of the act establishing said board, approved February 1, 1839, and revised and amended by the act to continue a board of commissioners for the improvement of the navigation of the Black Warrior river, approved February 1, 1850, and also by order of the board, respectfully reports, that after due and proper notice, the following named commissioners, appointed by the last act, to-wit: George Powell, Hilliard Lap and James Jones, of Blount county; David Hanby of Jefferson county; R. Chilton and B. B. Smith of Walker county, met at the house of Levi Phillips of Tuscaloosa county, near the tumbling bar of the Squaw Shoals, Jesse Van Hoose, our president having deceased.

The board appointed Levi Phillips of Tuscaloosa, John H. Harris and James H. Patton of Jefferson county, commissioners of said board, after being duly sworn, proceeded and elected David Hanby president of the board on the 5th day of August, 1852.

The board resolved to prosecute the work on the river the present year in the same manner the improvements were carried on

by the two last boards, which acted under the amended act, which was approved March 6, 1848, and whose reports, from the copies before us, bears date, one November 12th, 1849, and the other November 15th, 1851.

The board contracted with Thomas D. Murphy to commence at the lower bar of the Squaw Shoals, known as the Bull Sluice, in the county of Tuscaloosa, the work to consist in widening and deepening the channel by cutting down the bars, and removing all the loose and projecting rocks on said bars, and making the bottom of said channel as smooth as possible, so that in case a boat should hang, that the boat and the lives of the men on the boat should not be lost.

Mr. Murphy having expended the sum of three hundred and seventy-two dollars and thirty-two cents, and performed the work as well as the amount expended would justify, and has done *considerable* good.

The board also contracted with Mr. Robert Cain to work on the bar known as the Tumbling Bar of the Squaw Shoals, to clear out all the loose and fixed rocks, and to make the channel as even and smooth as possible for the sum of four hundred dollars; which work has been done as well as the amount expended would justify, as he hired men by the day and overseed them.

The board employed Mr. John Prentice to remove timber and other obstructions on the Mullen's fork of the Black Warrior, which has been done in the same way, for the sum of one hundred and fifty dollars.

The unexpended balance being so small, the board ordered a sale of all the tools and campequage, to take place on the first day of November, 1852. They were sold accordingly, and brought the sum of fifty-four dollars and thirty-five cents.

The balance of appropriation in the State Bank, agreeable to reports of last board is..... \$1,133 47

To which add amount of sale of tools..... 54 35

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1,187 82

CR.

Paid to Thomas D. Murphy.....	\$372 32
" Robert Cain.....	400 00
" John Prentice.....	150 00
" George Powell.....	30 00
" Levi Phillips.....	23 50
" James Jones.....	28 50
" James H. Patton.....	33 00
" Hilliard Sap.....	27 00
" B. B. Smith.....	19 50
" R. Chilton.....	36 00

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\$1,119 82



Brought forward.....	\$1,119 82
Paid to George Powell.....	27 00
" David Hanby.....	54 00
" John H. Harris.....	12 00

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1,212 82

All which is respectfully submitted.

DAVID HANBY,  
President Board of Commissioners.

November 1st, 1853.

P.S. I understand that Col. James Hagan has paid into the State Bank something over two hundred dollars, which was drawn and not expended.

DAVID HANBY, President.

#### SPECIAL ORDER.

The hour of half-past 10 o'clock having arrived, the House proceeded to the consideration of the first special order for the hour, it being the resolution to adjourn, *sine die* on the first Monday in February next, the question being on the adoption of the amendment proposed by Mr. Creagh, striking out "first Monday," and inserting "15th day" in lieu thereof.

Mr. Shelly called for a division of the question, and the question was first taken on striking out "first Monday," and the same was carried.

Mr. Belser then moved to amend by filling the blank made by striking out "first Monday" with "18th day."

Said amendment was adopted.

Mr. Foscue moved to lay the resolution and amendments on the table.

Said motion prevailed.

The hour of a quarter before 11 o'clock a. m. having arrived, the House then proceeded to the consideration of the first special order for that hour, it being the bill to aid in the building of rail roads in the state of Alabama, pending which, and Mr. Judge being entitled to the floor,

The House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The House resumed the consideration of the engrossed bill to be entitled an act to remove obstructions in Pea river. The question being on ordering the bill to a third reading, the yeas and nays were demanded.

The bill was ordered to be engrossed for a third reading. Yeas 29, nays 27.

Those who voted in the affirmative are :

Messrs. Alldredge, Belser, Carroll Comer, Curry, Fletcher, Foreman, Gordy, Hays, Hill, Horn, Humphreys, Jay, Judge, McBryde, McCall of Barbour, McCall of Choctaw, Odom, Rhodes Shelly, St. John, Todd, Vest, Walker of Lauderdale, Walker of Mobile Webb and Yelverton.

Those who voted in the negative are :

Messrs. Speaker, Benners, Clifton, J. W. Davis, Findley, Gibson, Gillam, Hanserd, Henry, Inge, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Murphy, Musgrove, Newman, Payne, Phillips, Pickett, Reynolds, Sanford, Scott, Skelton, Sterritt, Talbert, Thornton and Weaver.

Mr. Curry, from the Committee on Internal Improvement, reported back the Senate bill to be entitled an act to incorporate the Opelika and Talladega Rail Road Company, and the same was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Judge from the Committee on Internal Improvement, reported back the bill to be entitled an act to incorporate the West Point, Georgia, and Tennessee River Rail Road Company, and the said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Sanford, from the select committee to whom was referred the petition of citizens of Cherokee and Benton counties, praying the passage of an act fixing the county line between said counties, reported a bill to be entitled an act to fix the boundary line between the counties of Cherokee and Benton ; which was read the first, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. L. P. Walker, from the committee on Internal Improvement, to whom was referred the bill supplemental to, and explanatory of an act entitled an act to provide for a geological and agricultural survey of the State, reported back the same without amendment.

Mr. Inge moved to amend said bill, by striking out the word "two" where the same occurs before "thousands," and inserting "one" in lieu thereof.

Mr. Rhodes moved to lay the bill and amendment on the table, and demanded the yeas and nays.

The motion prevailed—yeas 45, nays 31.

Those who voted in the affirmative are :

Messrs. Alldredge, Bishop, Carroll, Clifton, Comer, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Garth, Gibson, Gilbreath, Gillam, Goodin, Gordy, Green, Hays, A. Holly, Hubbard, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newman, Payne, Reynolds, Rhodes, Robinson, Sanford, Scott, Skelton, St. John, Sterritt, Todd, Vest, Watkins and Wilkins—45.

Those who voted in the negative are :

Messrs. Speaker, Abercrombie, Agee, Allen, Belser, Brown, Camp, Cowan, Cook, Curry, Hanserd, Hatcher, Henry, Humphreys, Inge, Jay, Judge, Martin, McBryde, Meek, Nelms, Owen, Philips, Pickett, Talbert, Thornton, Walker of Lauderdale, Walker of Mobile, Weaver, Webb, Whitsett, Yeldell and Yelverton—31.

Mr. Percy Walker moved to suspend the order of business to take from the calendar the bill to extend the charter of the Alabama Life Insurance and Trust Company. Said motion prevailed, and said bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Foscue, from the Committee on Propositions and Grievances, reported adversely to the memorial of Horace Ware of Shelby county.

Also, to the petition of Isaac M. Whitney and others of Walker county, in behalf of Thomas Childress. Said reports were severally concurred in.

Mr. Foscue, from the same committee, reported adversely to the memorial and account of Messrs. Brittan & DeWolf.

Mr. Belser moved to lay said report upon the table, and the yeas and nays were demanded.

Said motion was lost—yeas 38, nays 43.

Those who voted in the affirmative are :

Messrs. Speaker, Agee, Allen, Belser, Bishop, Brown, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Gilbreath, Hatcher, Hill, Johnson, Judge, Laughinghouse, Lawrence of Shelby, Martin, McBryde, Murphy, Newman, Odom, Owen, Rhodes, Sanford, Shelly, Skelton, Sterritt, Talbert, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Webb, Whitsitt, Wills and Yelverton.

Those who voted in the negative are :

Messrs. Abercrombie, Alldredge, Benners, Camp, Carroll, Clifton, Cochran, Comer, Creagh, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Garth, Gibson, Gillam, Goodin, Hanserd, Henry, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Payne, Phillips, Pickett, Reynolds, Robinson, Scott, St. John, Todd, Vest, Watkins and Yeldell.

The question then recurred on concurring in the report of the committee, and pending which the House adjourned until tomorrow morning, at 10 o'clock.

MONDAY, January 30, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Gillam until Wednesday next, and to Mr. Portis indefinitely.

The House concurs in the amendment of the Senate to the House bill for the relief of the tax assessors of Randolph, Tallapoosa and Cherokee counties.

The Senate bill for the payment of a certain claim against the State, was read the first time, and under a suspension of the constitutional rule, was read the second time, and referred to the Committee on Accounts and Claims.

The resolution of the Senate, bringing on the election of three judges of the supreme court, to fill the vacancies occasioned by the resignation of the Hon. Wm. P. Chilton, Hon. George Goldthwaite, and Hon. David G. Ligon, on Saturday the fourth day of February next, was, on motion of Mr. Humphreys laid on the table.

Leave of absence was granted to Mr. Robinson until to-morrow.

Mr. Laughinghouse introduced a bill to be entitled an act to authorize the administrator of James J. Pleasants, late of the county of Madison, deceased, to make sale of certain rights and credits of said decedent therein mentioned; which was read the first time, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Mr. Musgrove introduced a bill to change the mode of assessing taxes in Marion county; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Ways and Means.

Mr. Gilbreath introduced a bill to regulate the law requiring courts to advertise their orders in newspapers; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Percy Walker introduced a bill to exempt the judge of the sixth judicial circuit from the operation of the law, requiring circuit judges to interchange with each other in holding courts; which was read the first time, and the constitutional rule being suspended, was read the second time and referred to the Committee on the Judiciary.

Mr. Percy Walker presented the petition of J. K. Randall and 97 others of Mobile county, for an anti-liquor law; also,

The petition of J. J. Delchamps and others of Mobile, on the same subject; also,

The petition of Sarah Brown and twenty other ladies of Mobile on the same subject; which were severally referred to the Committee on Temperance.

Mr. Agee introduced a bill to be entitled an act relating to selling spirituous liquors to slaves; which was read the first time, and the constitutional rule being suspended, was read the second time and referred to the Committee on the Judiciary.

Mr. Agee introduced a bill to be entitled an act to regulate the fees of constables in Monroe county; which was read and ordered to a second reading.

Mr. Judge presented the petition of A. J. Noble and ninety-two others, voters of Montgomery county, for an anti-liquor law; which was referred to the Committee on Temperance.

Mr. Henry presented the petition of Jeremiah Hancock and 28 others, voters of Pickens county, for an anti-liquor law; also,

The petition of Nancy Bridges and 18 other ladies of Pickens county, for an anti-liquor law.

Mr. Martin presented the petition of Alexander Glascock and 192 other gentlemen and ladies of Tuscaloosa county, praying the passage of an anti-liquor law; also,

The petition of James Guild, M. D., and nine other physicians, of Tuscaloosa, upon the same subject; which were severally referred to the Committee on Temperance.

Mr. Gordy introduced a bill to be entitled an act to regulate the practice in the circuit courts in the counties of Washington and Baldwin; which was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Clifton introduced a bill to be entitled an act to establish an additional regiment in Cherokee county; which was read the first time, and the constitutional rule being suspended, was read the second time forthwith and referred to the Committee on the Military.

Mr. McCall of Choctaw introduced a bill to be entitled an act to regulate the circuit court for the county of Choctaw; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Newman, with leave of the House, offered the following resolution; which was adopted;

*Resolved*, That the Committee on the Judiciary be requested to inquire into the expediency of reporting a bill providing for a reduction of the price of the Code of Alabama; and also for the printing and distribution of five thousand copies or more of the acts of the present legislature, to the judges of probate in each county, in addition to the usual number required, to be sold at the costs of printing, or otherwise distributed, as may best serve the interest of the country, in order that the citizens may become better acquainted with the laws under which they live and are governed.

Mr. Carroll moved to suspend the call of the counties, in order to offer a resolution.

Said motion was lost.

Mr. Watkins introduced a bill to be entitled an act to amend the inequalities of section 391 of the Code of Alabama; which was read, and the constitutional rule being suspended, was read the second time and referred to the Committee on Ways and Means.

Mr. Benners introduced a bill to be entitled an act to incorporate

the society for the relief of disabled clergymen, and of the widows and orphans of deceased clergymen, in the Protestant Episcopal Church in the diocese of Alabama; which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Camp introduced a bill to be entitled an act to repeal section 2464 of the Code, so far as relates to the county of Jefferson.

Mr. Rhodes moved to amend said bill by extending its provisions to the counties of Lauderdale, Blount, Benton, Madison, Randolph, Marion, Bibb, St. Clair, Greene, Cherokee, Talladega, Walker, DeKalb, Tallapoosa, Lawrence, Limestone, Shelby, Marshall, Jackson, Russell, Pike, Hancock, Franklin, Fayette, Henry, Autauga, Covington, Dallas, Pickens, Lowndes, Morgan and Perry.

Said amendment was adopted, and the bill as amended was read the second and third times, under a suspension of the constitutional rule, and passed

#### SPECIAL ORDER.

The House resumed the consideration of the bill to build the Alabama State Central Rail Road.

Mr. Belser moved to postpone the further consideration of the bill until Thursday next, at half-after 10 o'clock, and to be made the special order for that hour, and the yeas and nays were demanded.

Said motion was lost Yeas 38, nays 46.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Bishop, Brown, Calhoun, Cole, Comer, Curry, Wm. P. Davis, Foreman, Garth, Goodin, Hatcher, Henry, Horn, Jay, Johnson, Judge, Lawrence of Cherokee, Martin, McBryde, McCall of Barbour, Meek, Nelms, Owen, Payne, Phillips, Scott, Shelly, Skelton, St. John, Walker of Mobile, Weaver, Wills and Yeldell.

Those who voted in the negative, are:

Messrs. Alldredge, Benners, Camp, Carroll, Clifton, Cochran, Cowan, Creagh, Ervin of Wilcox, Farrior, Findley, Fletcher, Foscue, Gibson, Gilbreath, Gordy, Greene, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Choctaw, Newman, Odom, Reynolds, Rhodes, Sanford, Sterritt, Talbert, Thornton, Todd, Vest, Watkins, Whitsitt and Wilkins.

Mr. Curry moved to postpone the further consideration of the bill until Wednesday, at 11 o'clock, a. m., and to be made the special order for that hour, and

The yeas and nays were demanded.

Said motion was lost—Yeas 39, nays 46.



Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Bishop, Brown, Calhoun, Cole, Comer, Curry, J. W. Davis, W. P. Davis, Foreman, Garth, Goodin, Hatcher, Henry, Horn, Johnson, Judge, Lawrence of Cherokee, Martin, McBryde, McCall of Barbour, Meek, Nelms, Owen, Payne, Phillips, Pickett, Scott, Shelly, Skelton, St. John, Walker of Mobile, Wills and Yeldell.

Those who voted in the negative, are:

Messrs. Alldredge, Benners, Camp, Carroll, Clifton, Cochran, Creagh, Ervin of Wilcox, Farrior, Findley, Fletcher, Fosoue, Gibson, Gilbreath, Gordy, Greene, Hanserd, Hays, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Choctaw, Musgrove, Newell, Newman, Odom, Reynolds, Rhodes, Sanford, Sterritt, Talbert, Thornton, Todd, Vest, Whitsitt and Wilkins.

The question then recurred on the adoption of the first amendment proposed by the said committee, to-wit:

Strike out the words "two millions of," where they occur in the second section before "dollars," and insert in lieu thereof "five hundred thousand dollars annually."

Mr. Shelly called for a division of the question, and the question was first taken on striking out, and

The same was carried.

The question then recurred on inserting "five hundred dollars annually."

Pending which,

The House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The House resumed the consideration of the bill entitled an act to build the Alabama State Central Rail Road.

Mr. Percy Walker made the point of order, that as the bill under consideration was a special order for half-past 10 o'clock, a. m., to-day, that it could not take precedence of a similar special order for the hour of 11 o'clock, a. m., after that hour had arrived, and as there was a special order for the hour of eleven, that the bill under consideration was out of order at this time.

Mr. Speaker overruled the said point of order.

Mr. Shelly moved to suspend all special orders to proceed to the consideration of bills on their second reading.

Said motion prevailed.

Mr. Shelly, from the select committee composed of the delegations from the counties of Coosa and Talladega, to whom was referred the bill to provide a summary remedy against plank and turnpike road companies, reported back a substitute therefor.

On motion of Mr. Shelly,  
The said bill and substitute were re-committed to the said committee.

Mr. Alldredge, from the select committee composed of the delegations from the counties of Blount and Talladega, reported back the bill to establish a Botanic medical board in the county of Blount with an amendment.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Lindsey, from the Select Committee on Temperance, submitted the following

#### REPORT:

The Committee on Temperance, to whom was referred sundry petitions, asking the enactment of an anti-liquor law, has had the same under consideration, and instruct me to report to the House that it deems it inexpedient to pass such a law as is prayed for by the petitioners.

Your committee appreciates highly the humane and philanthropic motives that actuate the petitioners, as well as the disinterested effort they have made to promote the well being of the people of Alabama; yet your committee cannot believe that legislation is either the legitimate or efficient agency to eradicate the evils of intemperance so deeply deplored by the petitioners, or to attain the end they so anxiously desire.

Your committee further think, that the history of mankind abounds with impressive evidences that true religion and true morality are more rapidly and more securely advanced, and more consistently with republican principles, when left to the free acceptance of a people, than when directly or indirectly enforced by restraining laws; that the blessings of temperance will be more successfully and more properly disseminated by the admonitions of its disciples and the persuasion of its advocates, than by penal enactments or prohibitory statutes. Therefore, your committee deem it inexpedient to enact the law prayed for by your petitioners.

Mr. Owen, from the same committee, on the part of the minority of said committee, reported a bill to ascertain the sense of the voters of Alabama upon the question of legislative prohibition of the liquor traffic; which was read the first time; and, also, submitted the following minority

#### REPORT:

The undersigned, a minority of the select committee, composed

of one representative from each judicial circuit, to whom were referred the proceedings of three conventions of the friends of temperance, severally held in the city of Selma, on the 24th of November, 1852, in the same city on the 18th of May, 1853, and in the city of Montgomery, on the 4th of January, 1854, the members of the Baptist State Convention, the memorials of the Muscle Shoals, Cahaba, and various other Baptist Associations, the resolutions of the conference of the Methodist E. Church, and various petitions of several thousand voters and women of Alabama, all asking the passage of a law giving the people of every county, city, town, village and election precinct, the right, by a majority vote, to protect themselves from the evils arising from the sale of intoxicating drinks, as well as the two petitions of the county of Autauga, and the petition of citizens of Greene county, against the passage of such a law, dissent from the report submitted by the majority of said committee. At least one hundred thousand souls in Alabama are represented by the memorials and petitions referred to your committee. The voice of this immense multitude is raised in respectful entreaty to this legislature to put it in the power of communities to control within their midst a traffic fraught with evil to every interest, moral, social and political.

This large number of our people ask no pecuniary aid, no exclusive privilege, no chartered rights. They ask simply the right of self protection; the right to protect themselves, their household, their communities from the acknowledged evils resulting from the license law—a law which none defend—a law which is indefensible.

We are apprised that the prejudices of a large class of our people have been elicited against legislative enactments against the liquor traffic, and we are also apprised that the friends of the proposed reform rest their hopes for success upon an untrammelled appeal to the judgment of the people.

We believe it to be due to the memorialists and petitioners, to the cause of morality, and to the intelligence of our people, that the wishes of the voters of Alabama should be consulted upon a question of so much importance.

We submit herewith a bill to provide for taking the sense of the voters of Alabama, at the next general election, upon the question of legislative interference in the liquor traffic.

By this means the question will be kept clear of party or party politics. The question itself, and itself alone, will be presented to the people, and their action thereon can neither be mistaken, misunderstood or misrepresented.

Several propositions are now pending before this body, referring to the people changes in the constitution of the State.

We have seen no petitions—heard no memorials calling for these changes, and we cannot believe that the constitution is less sacred,

less to be venerated, than the object sought to be accomplished by the various temperance petitions presented to this House. Moved by these considerations, the undersigned will adjourn the discussion of the "legal suasion" to the country, and content themselves here by reporting the accompanying bill, and recommending its passage.

Signed,

M. W. CREAGH,  
R. B. OWEN,  
JAMES HENRY.

#### Minority on the Committee on Temperance.

Mr. Rhodes moved to postpone the further consideration of said reports and bill until Monday week.

Mr. Allen moved to postpone until the 18th day of February next, at 4 o'clock p. m.

Mr. Martin moved to suspend the order of business to proceed to the consideration of the resolution of the Senate, proposing to adjourn "*sine die*," on the 13th proximo; and the yeas and nays were demanded.

Said motion was lost; yeas 33 nays 52.

Those who voted in the affirmative, are:

Messrs. Bishop, Brown, Cowan, Creagh, W. P. Davis, Foscue, Hall, Hays, Henry, Horn, Hubbard, Lawrence of Cherokee, Martin, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newman, Odom, Rhodes, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Webb, Whitsitt, Wills and Yeldell.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Belser, Benners, Camp, Calhoun, Carroll, Clifton, Cole, Comer, Cook, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Gibson, Gilbreath, Goodin, Hanserd, Hatcher, Hill, A. Holly, R. H. J. Holly, Humphreys, Inge, Jay, Johnson, Judge, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, Nelms, Newell, Owen, Payne, Phillips, Pickett, Reynolds, Sanford, Shelly, Walker of Mobile, Watkins, Weaver, Wilkins and Yelverton.

The question then recurred upon the motion of Mr. Allen to postpone until the 18th of February next, and the yeas and nays were demanded.

Said motion was lost—Yeas 44, nays 46.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Benners, Brown, Camp, Carroll, Clifton, Cowan, Cook, J. W. Davis, Foreman, Gibson, Gilbreath, Goodin, Gordy, Greene, Hall, Hanserd, Hays, R. H. J. Holly, A. Holly, Hubbard, Inge, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, Murphy, Musgrove, Newell, Odom, Reynolds, Rhodes, Sanford, Scott, Skelton, Todd, Vest, Weaver, Wills, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Agee, Bell, Belser, Bishop, Calhoun, Comer, Curry

Cole, Creagh, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foscue, Garth, Hatcher, Henry, Hill, Horn, Humphreys, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Nelms, Newman, Owen, Payne, Phillips, Pickett, Shelly, St. John, Sterritt, Talbert, Thornton, Walker of Mobile, Watkins, Webb, Whitsitt and Wilkins.

Mr. Allen then moved to postpone the further consideration of the subject until the 17th day of February next, at 4 o'clock, p. m., and the yeas and nays were demanded.

Said motion was lost. Yeas 43, nays 46.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Benners, Bishop, Camp, Carroll, Clifton, Cowan, Cook, W. P. Davis, Foreman, Foscue, Gilbreath, Goodin, Gordy, Greene, Hall, Hanserd, Hays, R. H. J. Holly, A. Holly, Inge, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, Murphy, Musgrove, Newell, Odom, Reynolds, Rhodes, Sanford, Scott, Skelton, Todd, Vest, Weaver and Wills.

Those who voted in the negative, are:

Messrs. Agee, Bell, Belser, Brown, Calhoun, Comer, Creagh, Cole, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Garth, Hatcher, Henry, Hill, Horn, Humphreys, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Martin, McCall of Barbour, McCall of Choctaw, Nelms, Newman, Owen, Payne, Phillips, Pickett, Shelly, St. John, Sterritt, Talbert, Thornton, Walker of Mobile, Watkins, Webb, Whitsitt, Wilkins and Yelverton.

Mr. Carroll then moved to postpone the further consideration of the subject until the 16th day of February next.

Mr. Shelly made the following point of order:

"That when a motion is made to postpone to a day certain, and the vote is taken on said motion, it is not in order to move to postpone to a day within the time on which the vote is taken, unless the motion is made before the vote on the longest time is taken.

Said point of order was sustained by Mr. Speaker, (Mr. Foscue in the chair.)

Mr. Carroll appealed from the decision of the chair, and the yeas and nays were demanded.

Mr. A. Holly moved to adjourn until to-morrow morning at 10 o'clock, and the yeas and nays were demanded.

Said motion was lost—Yeas 26, nays 61.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Belser, Bishop, Brown, Camp, Calhoun, Cowan, J. W. Davis, W. P. Davis, Ervin of Wilcox, Garth, Gibson, Gilbreath, Goodin, Greene, Hill, A. Holly, Lindsey, Martin, McCall of Barbour, Payne, Scott, Percy Walker, Watkins, Webb and Wilkins.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Benners, Carroll, Clifton, Cole, Comer, Cook, Creagh, Curry, Farrior, Findley, Fletcher, Foreman, Foscue, Gordy, Hall, Hanserd, Hatcher, Hays, Henry, R. H. J. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Owen, Phillips, Pickett, Reynolds, Rhodes, Sanford, Shelly, St. John, Sterritt, Talbert, Thornton, Todd, Whitsitt, Weaver, Wills, Yeldell and Yelverton.

The question then recurred upon the appeal from the decision of the chair, and the said appeal, with leave of the House, was withdrawn by Mr. Carroll.

The question then recurred upon the motion of Mr. Rhodes, to postpone until Monday week, when the same, with leave of the House, was withdrawn by Mr. Rhodes.

Mr. Carroll moved to lay said reports and bill on the table.

Mr. W. P. Davis moved to postpone the further consideration of the subject until Friday next.

Mr. Allen moved to postpone until the 16th day of February next, and the yeas and nays were demanded.

Mr. Hanserd moved to adjourn until to-morrow morning at 10 o'clock, and the yeas and nays were demanded.

Said motion prevailed. Yeas 46, nays 34.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Bell, Belser, Bishop, Camp, Calhoun, Cochran, Cole, Comer, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Fletcher, Gilbreath, Goodin, Hanserd, Henry, Hill, Humphreys, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Nelms, Newman, Odom, Owen, Payne, Pickett, Scott, Shelly, St. John, Skelton, Todd, Vest, Walker of Mobile, Watkins, Webb, Wilkins, Wills, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Benners, Brown, Carroll, Clifton, Cook, Findley, Foreman, Foscue, Gibson, Gordy, Hall, Hatcher, A. Holly, Hubbard, Inge, Irwin of Walker, Johnson, Judge, Lawrence of Fayette, Lindsey, McBryde, Murphy, Musgrove, Phillips, Reynolds, Rhodes, Sanford, Talbert, Weaver and Whitsitt.

And the House adjourned until to-morrow morning at 10 o'clock.

TUESDAY, January 31, 1854.

The House met pursuant to adjournment.

Mr. Brown, from the Committee on Enrolled Bills, to whom was referred an act in relation to the court of Dallas county;



An act to provide for the payment of certain fees to notaries public for notices of protest;

An act to incorporate the Can't-Get-Away Club of Mobile; and

An act for the relief of the heirs of Emanuel Brewton of Conecuh county, reported back the same as severally correctly enrolled.

Mr. Payne, from the Committee on Enrolled Bills, to whom was referred the following bills, viz:

An act to increase the compensation for grand, petit and tales jurors of the county of Macon;

An act for the relief of Harvey Pearson of St. Clair county;

An act to alter the commencement of the fall term of the circuit court, in the eighth circuit, for the purpose of allowing an additional week to the county of Pike;

An act to exempt Franklin county from the operation of certain sections of the Code of Alabama;

An act to authorise the county treasurer of Jefferson county to pay over certain funds, and for other purposes therein named; reported the same back as correctly enrolled.

Mr. Payne, from the same committee, to whom was referred the bill to be entitled an act to ascertain the sense of the people of Coosa county in regard to the permanent location of the county site of said county, and to provide for building a court house and jail, reported back the same as being correctly enrolled.

A message from the Senate:

Mr. Speaker: The Senate has passed the following House bills:  
For the relief of Leroy Napier;

To repeal in part an act to increase the pay of jurors in certain counties;

To establish a medical board in the county of Russell;

To incorporate the village of Springhill in the county of Barbour, and for other purposes;

For the relief of Michael H. Moore and Cromwell H. Moore;

To authorise the summoning of witnesses in certain cases in the county of Jackson;

For the relief of the tax assessor of Dale county;

To consolidate the offices of judge of probate and clerk of the circuit court of Hancock county;

To authorise the apportioners of the different districts of Pickens county to appoint the overseers, and for other purposes;

To repeal part of an act to regulate the incorporation of the town of Fayetteville, approved February 5, 1852;

For burial expenses in Pickens county;

To incorporate the Eufaula Insurance Company;

To make Nancy J. Graves of Fayette county, a free dealer;

To exempt millers and sheriffs from road duty in the county of Fayette;

To authorise the commissioners' court of DeKalb and other counties to levy a tax on nine and ten pin alleys;

To authorise Allen C. Jones to erect gates across the Gum Spring road.

The Senate recedes from its amendment to the House bill to regulate the sale of real and personal property by executors and administrators.

The Senate refuses to recede from its amendment to the House bill to make protests of notaries and other authorised persons evidence in certain cases.

The Senate concurs in the amendment of the House to the bill to amend the charter of the Girard Rail Road Company.

The Senate insists upon its first amendment to the bill to authorise courts of county commissioners to change the place of voting in election precincts, and recedes from its last amendment, and has appointed Messrs. Baker, Watts and Malone a committee of conference on said bill.

The senate has originated and passed bills of the following titles:

To increase the salaries of certain officers therein named;

To amend the charter of the town of Marion in Perry county;

To give the election of county treasurer of Perry county to the people of said county;

To repeal the act declaring the Tallasahatchee creek in Benton county, a public highway;

To amend section 2029 of the Code of Alabama;

To authorise a special jury in Walker county;

Joint preamble and resolutions to the congress of the United States.

House bills:

To incorporate the Glennville Rail Road Company;

To provide a lien in behalf of the State in a certain instance;

To repeal an act declaring Tallasahatchee creek in the county of Benton a public highway;

Making the county surveyor of Benton county elective by the people.

The Senate concurs in the resolution of the House proposing to bring on the election of three supreme court judges on Wednesday next, at 10 o'clock, a. m.

The Senate has adopted a resolution proposing to adjourn "*sine die*" on the 13th day of February; in which the concurrence of the House is requested.

The House recedes from its disagreement to the amendment of the Senate to the House bill to make protests of notaries and other authorized persons evidence in certain cases.

Mr. Belser, (with leave of the House) from the Committee on the Judiciary, reported a bill to be entitled an act to increase the salaries of chancellors and judges of the circuit courts.

Mr. Belser also submitted the following

REPORT:

The Committee on the Judiciary, to whom was referred the memorial of the bar of Dallas county, and also a resolution of the House, instructing said committee to inquire into the propriety of increasing the salaries of chancellors and other judicial officers, instruct me to report:

That in the opinion of the committee, the present salaries allowed to the chancellors and circuit court judges is entirely inadequate to the labors performed by these officers, and to the great change in the relative value of money which has taken place since those salaries were fixed by law.

The committee believe that there is manifest "propriety" in making an increase in the salaries of those officers, and we believe that the public mind is fully with us in this regard.

The frequent resignations which occur from the chancery and circuit benches, clearly indicate the insufficiency of the compensation. It is no answer to this argument to say that candidates are always to be found who are willing to take these offices at the present rates. Candidates doubtless would be found who would take them if the salaries were reduced fifty per cent. As legislators, acting for the welfare of the people of the whole State, we should pursue that course which is most likely to elevate and dignify, build up and make permanent the character of our judiciary.

The committee instructs me to report the accompanying bill, and recommend its passage.

The salaries of the judges of the supreme court have been provided for in a bill heretofore reported by this committee to the House.

On motion of Mr. Belser, said report was laid on the table.

The Senate bill:

To be entitled an act to increase the salaries of certain officers therein named, was read.

Mr. Burnett moved to amend said bill by striking out the words "hereafter to be elected or appointed," where they occur in the bill.

Said motion prevailed.

Mr. Yelverton moved to postpone the further consideration of the subject to the 13th day of February next.

Mr. Watkins moved to postpone indefinitely,

Pending which, the hour of a quarter before 11 o'clock a. m. having arrived, the House resumed the consideration of the special order, it being the bill extending aid to certain rail road companies, and after some discussion thereon, and Mr. Henry being entitled to the floor,

The House adjourned until 3 o'clock this evening.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Carroll moved to suspend all prior orders in order to enable him to offer a resolution in relation to the removal of the seat of government, and the yeas and nays were demanded.

Said motion was lost—Yeas 34, nays 51.

Those who voted in the affirmative, are:

Messrs. Alldredge, Allen, Brown, Carroll, Clifton, Creagh, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Gordy, Hays, Hatcher, Henry, Hubbard, Humphreys, Inge, Lawrence of Fayette, Martin, Musgrove, Newell, Odom, Phillips, Reynolds, Rhodes, Scott, St. John, Sterritt, Vest, Weaver, Whitsitt, Wilkins and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker Agee, Bell, Belser, Benners, Bishop, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Cook, Curry, Ervin of Wilcox, Farrior, Foscue, Garth, Gibson, Gilbreath, Goodin, Hall, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Jay, Judge, Johnson, Laughinghouse, Lawrence of Cherokee, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Newman, Owen, Payne, Pickett, Sanford Shelly Skelton, Talbert, Thornton, Todd, Ward, Walker of Mobile, Watkins, Webb, Wills and Yeldell.

Mr. Henry moved that when the House adjourn it meet again at 7 o'clock p. m., to dispose of local and private bills.

Said motion was lost.

The House then resumed the consideration of the report made by the Committee on Propositions and Grievances, adverse to the account of Brittan & DeWolf.

The question being on concurring in said report,

Mr. Yelverton moved to lay said report on the table.

Said motion prevailed.

Mr. Hall moved to suspend the order of business to enable Mr. Yelverton to introduce a bill.

The motion prevailed; and

Mr. Yelverton introduced a bill to be entitled an act for the relief of Brittan & DeWolf; which was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Hall moved to suspend the constitutional rule in order to give said bill a third reading.

Mr. Payne moved to lay said bill on the table.

Mr. Allen moved to postpone the further consideration of said bill until the 18th day of February next, and the yeas and nays were demanded.

Said motion prevailed—Yeas 56, nays 29.

Those who voted in the affirmative, are:

Messrs. Alldredge, Allen, Bishop, Burnett, Camp, Calhoun, Carroll, Clifton, Cole, Comer, Cook, Creagh, Ervin of Wilcox, Find-

ley, Fletcher, Foreman, Foscue, Garth, Gibson, Goodin, Gordy, Hanserd, Henry, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Musgrove, Newell, Odom Payne, Phillips, Pickett, Reynolds, Rhodes, Sanford, Scott, Skelton, St. John, Sterritt, Thornton, Vest, Ward, Watkins, Weaver, Webb, Wills and Yeldell.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Bell, Belser, Brown, Cochran, Curry, J. W. Davis, W. P. Davis, Farrior, Gilbreath, Hall, Hatcher, Hays, Hill, Judge, Lawrence of Shelby, Martin, McBryde, Meek, Murphy, Newman, Owen, Shelly, Talbert, Todd, Walker of Mobile, Whitsitt and Yelverton.

Mr. Foscue, from the Committee on Propositions and Grievances, reported back the bill for the relief of Susan Saltzer, amended by striking out the last clause.

Said amendment was adopted.

Mr. Payne moved to amend the bill by extending its provisions to Milly Oneal, Sarah Hollgins and Susan Canterbury, of Macon county; also, to Frances Berryman, of Lawrence county, and others.

Mr. Watkins moved to lay the bill on the table.

Said motion was lost.

Mr. Burnett moved to postpone indefinitely the further consideration of said bill.

Said motion prevailed.

Mr. Foscue, from the Committee on Propositions and Grievances, reported adversely to the petition of James Matthews.

Said report was concurred in.

Mr. Foscue, from the same committee, reported adversely to the bill for the relief of the estate of W. W. McLester, deceased.

Mr. Payne moved to lay said report on the table.

Said motion was lost, and the report was then concurred in.

A Message from his excellency John A. Winston, Governor, &c., by Mr. Whitfield, his private secretary.

Mr. Speaker: His excellency the Governor has approved the following bills which originated in the house of representatives:

Joint resolutions providing for the pay of the clerk of the Committee on the Judiciary of the house of representatives;

An act to ascertain the sense of the people of Coosa county in regard to the permanent location of the county site of said county, and to provide for building a court house and jail.

Mr. Brown, from the Committee on Enrolled Bills, reported the following bills as being correctly enrolled, viz:

A bill to authorize David Clopton, administrator of John Trafford, deceased, to sell the real estate of said deceased, which said estate has escheated;

A bill to provide for a geological and agricultural survey of the State;

A bill to divorce certain persons therein named ;

A bill to amend the military laws of the State of Alabama ;

Also, a memorial to Congress on the reduction.

Mr. Foscue, from the Committee on Propositions and Grievances, reported adversely to the accounts of Samuel Henry, Walter McFarland and others ;

Also, the account of Bird H. Young.

Said reports were severally concurred in.

Mr. Comer, from the same committee, reported back the bill for the relief of James Lumpkin, an Indian.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Foscue, from the same committee, reported adversely to the bill for the relief of L. B. Abbott, of Tallapoosa county.

Mr. R. H. J. Holly moved to lay said report on the table.

Said motion was lost.

Mr. Creagh moved to amend said bill by restricting the practice of said Abbott to Tuscaloosa county.

Mr. Jay moved to postpone the further consideration of said bill until the 18th day of February next.

Said motion prevailed.

A message was received from his excellency the Governor, by Mr. Whitfield, his private secretary, transmitting the communication of Mr. Joseph W. Taylor, one of the commissioners appointed to visit the seat of government of the State of Georgia for the purpose of obtaining from the authority of that State the right of way for the North-East and South-West Rail Road, containing an account of the result of his embassy.

The said communication and report were referred to the Committee on Federal Relations.

Mr. Foscue, from the Committee on Propositions and Grievances, to whom was referred the petition of John J. Wimberly and other citizens of Tuskegee, reported back a bill to repeal a certain section of the Code therein named.

Said bill was read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading.

Mr. Foscue, from the same committee, to whom was referred the petition of sundry citizens of Barbour county against peddling, reported back a bill to diminish the evils arising from peddling in this State.

Mr. Cochran moved to amend the bill by inserting the words "of the code of Alabama," after "seven," where the same occurs in said bill.

Said amendment was adopted.

Mr. Curry moved to amend said bill as follows :

Provided that the provisions of this act shall not apply to Talladega, Tallapoosa, Blount, Jefferson, Covington, Lawrence, Jackson and Madison.



Mr. Shelly moved to amend said amendment by a substitute, as follows:

Provided that the provisions of this act shall apply only to the county of Barbour.

Mr. Watkins moved to refer said bill and amendments to the Committee on Ways and Means.

Said motion prevailed.

Mr. Lindsey, from the Committee on Enrolled Bills, reported back the following bills as being correctly enrolled:

To amend an act to incorporate the town of Florence, approved 7th January, 1826:

Joint resolutions providing for the pay of the clerk of the Committee on the Judiciary of the house of representatives;

To change the time of holding the circuit court in the fourth judicial circuit of the State of Alabama;

An act to reduce the number and increase the salaries of the judges of the supreme court.

And the House adjourned until to-morrow morning at a quarter before 10 o'clock.

FEBRUARY 1st., 1854.

The House met pursuant to adjournment.

A message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary, as follows:

Mr. Speaker: His excellency, the Governor, has approved the following bill which originated in the House of Representatives, viz:

An act to reduce the number, and increase the salaries of the judges of the supreme court.

Mr. Lindsey, from the Committee on Enrolled Bills, reported back the following named bills as correctly enrolled:

To divorce certain persons therein named;

For the relief of the deaf and dumb in this State;

To attach David Seabors of Benton county to precinct No. 1;

For the relief of R. W. Clark, tax collector of Cherokee county, and John B. Smith of Jefferson county;

To consolidate the offices of judge of probate and clerk of the circuit court of Hancock county;

For the benefit of the tax assessor of Dale county;

For the relief of Michael K. Moore and Cromwell H. Moore.

Mr. Brown, from the same committee, reported back bills of the following titles, as correctly enrolled, viz:

A bill to repeal an act declaring Tallassahatchee creek in Benton county a public highway;

To make Nancy G. Graves of the county of Fayette a free dealer;

To authorize the commissioners' court of DeKalb county, and others, to levy a tax on nine or ten pin alleys, &c.;

To exempt millers and sheriffs from road duty in the county of Fayette;

Making the county surveyor of Benton county elective by the people;

To authorize Allen C. Jones to erect gates across the Gum Spring Road;

To provide a lein in behalf of the State in a certain instance;

To extend the time of payment and settlement of the taxes of Sumter county;

Defining the boundaries of a new election precinct in the county of Jackson, and for other purposes.

Mr. Judge moved to reconsider the vote taken on yesterday, postponing indefinitely the bill for the relief of Susan Saltzer.

The hour of 11 o'clock, a. m., having arrived, the Senate, by invitation, appeared in the hall of the House, and the two Houses in convention proceeded to the election of a supreme court judge for the term commencing on the second day of February instant.

The name of Hon. William P. Chilton being alone in nomination, and he having received 116 votes, Mr. Speaker declared him duly and constitutionally elected a judge of the supreme court for the term prescribed by the constitution.

The two houses proceeded next to elect another judge of the supreme court, for the term to commence on the 2d day of February, 1854.

George Goldthwaite and Joseph W. Lesesne being in nomination,

Those who voted for Mr. Goldthwaite, are :

Messrs. Acklen, Ashley, Baker, Bethea, Blake, Bradford, Brindley, Clanton, Cocke, Crenshaw, Dickinson, Gay, Hendricks, Hobdy, Hewlett, E. P. Jones, H. C. Jones, Kelly, Kimball, Lamar, Lee, Malone, McLemore, Patton, Powell, Watts, Webb and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Agee, Belser, Benners, Bishop, Calhoun, Cochran, Cole, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Foscue, Gibson, Gilbreath, Gillam, Greene, Hanserd, Hatcher, Henry, Hill, R. H. J. Holly, Horn, Humphreys, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Martin, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Payne, Phillips, Rhodes, Robinson, Rutherford, Scott, Shelly, Sterritt, Talbert, Thornton, Walker of Lauderdale, Watkins, Weaver, Webb, Whitsitt and Yelverton, of the House of Representatives—89.

Those who voted for Mr. Lesesne, are :

Messrs. President, Frazier, Hewlett and Peterson, of the Senate; and Messrs. Alldredge, Allen, Brown, Burnett, Camp, Car-

roll, Clifton, Creagh, Ervin of Wilcox, Fletcher, Foreman, Garth, Gordy, Hall, Hays, A. Holly, Hubbard, Irwin of Walker, Lindsey, Owen, Pickett, Reynolds, Sanford, Skelton, St. John, Todd, Vest, Walker of Mobile, Ward, Wilkins, Wills and Yeldell, of the House of Representatives—36.

George Goldthwaite having received a majority of all the votes cast, Mr. Speaker declared him duly and constitutionally elected a judge of the supreme court for the term prescribed by the constitution.

The two houses then proceeded to elect a judge of the supreme court for the term to commence on the first day of January, 1855.

George W. Stone, Samuel F. Rice and John D. Phelan being in nomination,

Those who voted for Mr. Phelan, are:

Messrs. Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, E. P. Jones, Kelly, Kimball, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Allen, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, R. H. J. Holly, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, Newman, Owen, Phillips, Rhodes, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver, and Whitsitt, of the House—50.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Bradford, Crenshaw, Gay, Hendricks, Hobdy, and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Foscue, Hall, Hatcher, A. Holly and Horn, of the House—22.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Hewlett, H. C. Jones, Lamar, Lee, McLemore and Peterson, of the Senate; and Messrs. Bulser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Henry, Hill, Lawrence of Cherokee, Lindsey, McCall of Barbour, McCall of Choctaw, Nelms, Pickett, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins, of the House—36.

Neither of the candidates having received a majority, the two houses proceeded to ballot a second time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, E. P. Jones, Kelly, Kimball, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Newman, Owen, Phillips, Rhodes, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt, of the House—50.

Those who voted for Mr. Stone, are :

Messrs. Ashley, Bradford, Crenshaw, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Foscue, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Musgrove, Nelms, Newell, Odom, Payne, Reynolds, Robinson, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House of Representatives—41.

Those who voted for Mr. Rice, are :

Messrs. President, Baker, Gay, Hewlett, H. C. Jones, Lamar, McLemore and Peterson, of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Gibson, Gilbreath, Goodin, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Murphy, Pickett, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House—35

Neither of the candidates having received a majority, the two Houses proceeded to ballot a third time.

Those who voted for Mr. Phelan, are :

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Judge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Newman, Owen, Phillips, Reynolds, Rhodes, St. John, Sterritt, Talbert, Vest, Walker of Mobile, Weaver and Whitsitt, of the House—49.

Those who voted for Mr. Stone, are :

Messrs. Ashley, Bradford, Crenshaw, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Musgrove, Nelms, Newell, Odom, Robinson, Rutherford, Shelly, Skelton, Thornton, Ward, Webb, Wills and Yeldell of the House—39.

Those who voted for Mr. Rice, are :

Messrs. President, Baker, Gay, Hewlett, H. C. Jones, Kimball, Lamar, McLemore and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Gillam, Goodin, Gordy, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Murphy, Pickett, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House—39.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fourth time.

Those who voted for Mr. Phelan, are :

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dick-

inson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Newman, Owen, Phillips, Reynolds, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt of the House—48.

Those who voted for Mr. Stone, are:

Messrs. Ashley Crenshaw, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Gillam, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Musgrove, Newell, Odom, Payne, Robinson, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—38.

Those who voted for Mr. Rice, are:

Messrs. President, Baker Bradford, Gay, Hewlett, H. C. Jones, Kimball, Lamar, McLemore and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Rhodes, Sanford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House—42.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a fifth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt of the House—52.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Gay, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell, Odom, Payne, Robinson, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—36.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Hewlett, H. C. Jones, Kimball, Lamar, McLemore and Patton of the Senate; and Messrs.

Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Rutherford, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins of the House—40.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a sixth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Weaver and Whitsitt of the House—51.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Gay, Hendricks, Hobdy and Watts of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell, Payne, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—36.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Hewlett, H. C. Jones, Kimball, Lamar and Peterson of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Gillam, Goodin, Gordy, Greene, Hays, Henry, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Rhodes, Robinson, Scott, Todd, Walker of Lauderdale, Watkins and Wilkins—41.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a seventh time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Gay, Jemison, E. P. Jones, Kelly, Kimball, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Henry, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Weaver and Whitsitt of the House—55.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Hendricks, Hobdy and Watts of



the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell Odom, Payne, Rutherford, Skelton, Ward, Webb, Wills and Yeldell of the House—34.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Hewlett, H. C. Jones, Lamar, McLemore, and Peterson, of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Goodin, Gordy, Greene, Hays, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Robinson, Scott, Todd, Walker of Lauderdale, Walker of Mobile, Watkins and Wilkins of the House—38.

Neither of the candidates having received a majority, the two Houses proceeded to ballot an eighth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Henry, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, McCall of Choctaw, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Weaver and Whitsitt of the House—51.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Hendricks, and Hewlett of the Senate; and Messrs. Abercrombie, Agee, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hall, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Judge, Lawrence of Shelby, McBryde, Newell, Odom, Payne, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—34.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, H. C. Jones, Kimball, Lamar McLemore, Peterson and Watts of the Senate; and Messrs. Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Gillam, Goodin, Gordy, Greene, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Meek, Murphy, Nelms, Pickett, Robinson, Scott, Todd, Walker of Lauderdale, Walker of Mobile and Watkins of the House—29.

Neither of the candidates having received a majority, the two houses proceeded to ballot a ninth time.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Cocke, Dickinson, Frazier, Jemison, E. P. Jones, Kelly, Kimball, Lee, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs.

Speaker, Alldredge, Allen, Bell, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Hays, Henry, Humphreys, Inge, Laughinghouse, Lawrence of Fayette, Martin, McCall of Choctaw, Meek, Musgrove, Newman, Owen, Phillips, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Weaver and Whitsitt, of the House—54.

Those who voted for Mr. Stone, are:

Messrs. Ashley, Crenshaw, Hendricks and Hobdy, of the Senate; and Messrs. Abercrombie, Burnett, Calhoun, Cochran, Cook, Curry, Farrior, Fletcher, Foreman, Hatcher, A. Holly, Horn, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Shelby, McBryde, Newell, Odom, Rutherford, Shelly, Skelton, Ward, Webb, Wills and Yeldell of the House—31.

Those who voted for Mr. Rice, are:

Messrs. President, Baker, Bradford, Gay, Hewlett, H. C. Jones, Lamar, McLemore, Peterson, and Watts, of the Senate; and Messrs. Agee, Belser, Bishop, Carroll, Clifton, Comer, Cowan, Creagh, W. P. Davis, Foscue, Gibson, Gilbreath, Goodin, Gordy, Greene, Hill, R. H. J. Holly, Lawrence of Cherokee, Lindsey, McCall of Barbour, Murphy, Nelms, Pickett, Payne, Robinson, Scott, Todd, Walker of Lauderdale, Walker of Mobile, Watkins and Wilkins, of the House—41.

Neither of the candidates having received a majority, the two Houses proceeded to ballot a tenth time.

Mr. Stone was withdrawn.

Those who voted for Mr. Phelan, are:

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Hobdy, Hewlett, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward, of the Senate; and Messrs. Speaker, Abercrombie, Alldredge, Allen, Bell, Benners, Bishop, Brown, Camp, Calhoun, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Gillam, Hanserd, Hatcher, Henry, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Fayette, McBryde, Martin, McCall of Choctaw, Musgrove, Newman, Phillips, Reynolds, Rhodes, Santord, St. John, Sterritt, Talbert, Thornton, Vest, Webb, Whitsitt and Yeldell, of the House—64.

Those who voted for Mr. Rice, are:

Messrs. President, Ashley, Baker, Bradford, Gay, Hendricks, H. C. Jones, Kimball, Lamar, McLemore, Peterson and Watts, of the Senate; and Messrs. Agee, Belser, Burnett, Carroll, Clifton, Comer, Cowan, Cook, Creagh, Curry, W. P. Davis, Farrior, Fletcher, Foreman, Foscue, Gibson, Gilbreath, Goodin, Gordy, Greene, Hall, Hays, Hill, R. H. J. Holly, Horn, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, Lindsey, Murphy, Nelms, Newell, Odom, Payne, Pickett, Robinson, Rutherford, Scott, Shelly, Skelton, Todd, Walker of Lauderdale, Ward, Watkins and Wills, of the House—59.

Those who voted for Mr. Stone, are :

Messrs. Crenshaw, of the Senate; and Messrs. Cochran, Meek, Owen, Walker of Mobile, and Wilkins, of the House—6.

Neither of the candidates having received a majority, the two Houses proceeded to ballot an eleventh time.

Joseph W. Lesesne being again in nomination,

Those who voted for Mr. Phelan, are :

Messrs. Acklen, Bethea, Blake, Brindley, Clanton, Cocke, Dickinson, Frazier, Hobdy, Hewlett, Jemison, E. P. Jones, Kelly, Lee, Malone, Patton, Powell, Webb and Woodward of the Senate; and Messrs. Speaker, Abercrombie, Alldredge, Allen, Benners, Brown, Camp, Cole, J. W. Davis, Ervin of Wilcox, Findley, Garth, Hanserd, Hatcher, Henry, Hubbard, Humphreys, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Fayette, Martin, McBryde, McCall of Choctaw, Musgrove, Newman, Phillips, Sterritt, Talbert, Thornton, Vest, Weaver, Webb and Whitsitt, of the House—59.

Those who voted for Mr. Rice, are :

Messrs. President, Ashley, Baker, Bradford, Crenshaw, Gay, Hendricks, H. C. Jones, Kimball, Lamar, McLemore, Peterson and Watts, of the Senate; and Messrs. Agee, Belser, Bishop, Burnett, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, W. P. Davis, Farrior, Fletcher, Foreman, Foscue, Gibson, Gilbreath, Gillam, Goodin, Gordy, Greene, Hall, Hays, Henry, R. H. J. Holly, A. Holly, Horn, Jay, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McCall of Barbour, Murphy, Nelms, Newell, Odom, Payne, Pickett, Robinson, Scott, Shelly, Skelten, Todd, Walker of Lauderdale, Ward, Watkins, Wills and Yeldell, of the House—65.

Messrs. Bell, Meek, Walker of Mobile, Owen and Wilkins, of the House, voted for Mr. Lesesne—5.

Mr. Rice having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected a judge of the supreme court for the term prescribed by the constitution, said term to commence on the first day of January, 1855.

The Senate withdrew.

And the House adjourned until this evening, at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Jay, with leave of the House, submitted the following

#### REPORT :

The undersigned minority of your committee on apportion-

ment, begs leave to dissent from the majority report and bill, for the following reasons: First—because the report offered by the majority committee, is at variance with the true principle of justice and equity, saying nothing of its constitutionality.

The legislature is bound to lay off the State into congressional districts, having due regard for contiguous territory, equal in number to the number of representatives to which the State is entitled, and as nearly equal in representative population as circumstances will allow.

The 3d article of the 2nd section of the constitution reads as follows:

“Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, excluding indians not taxed, three fifths of all other persons.”

The constitution of Alabama gives to qualified electors the right to use the political power which may accrue to the inhabitants of a district.

From this authority the question arises, what is the true principle by which an apportionment of the State should be made, and whether the majority bill conforms to that principle?

The minority is of opinion that it is only necessary to examine the operations of the majority bill, to show that it conforms to no principle either of justice, of equity, or of the Constitution of the United States. According to the census of 1850, the number of white inhabitants in the State is 434,382; one seventh of which would be 62,065. The whole number of males above the age of twenty-one, are 90,355; one seventh of which would be 12,908, the ratio of voters to which each district is entitled. By which it will be seen that each voter in the State represents 44.5 white inhabitants (or a fraction more) at the ballot box; and as a voter represents a greater or less number, so does he exercise more or less political power.

Again: In the first district there are, according to the majority bill, 15,586 voters, with a white population of 61,381; which shows an excess of 2678 voters above the proper ratio; with a less number of white inhabitants than one-seventh of the whole. This excess weakens the political power of this district in the proportion which 15,585 bears to 12,908. In the sixth district there are 11,455 voters with a white population of 60,164; being 1463 voters less than the ratio, with almost a full ratio of white inhabitants; which shows that the political power of that district is increased above the ratio, in the proportion that 12,908 is greater than 11,455. In this connexion another fact is here exemplified, that is 11,455 voters in the sixth district have the same political power in Congress that 15,586 voters have in the first

district. If the majority are justified in apportioning this excess to the first district, by the same rule they would be justified in apportioning the same number less to any one, or all of the districts. If this deduction be correct, and seven districts are formed with 10,230 voters in each, which is 2678 less than the ratio; we would in such case have the astonishing surplus of 18,934 voters, being more than one-fifth of the whole voting population, and who would thereby be excluded from a representation in Congress. Can any principle of apportionment be just, the operations of which would deprive one-fifth of the citizens of a State who are entitled to the exercise of the elective franchise, from availing themselves of that right, or from equal representation in Congress? Yet such would be the legitimate operations of the majority bill, and such a principle admitted to be correct if that bill receives the sanction of the legislature.

Again: In the first district there are 87,254 slaves, and in the sixth district there are 20,109; the first district paid into the State treasury, by way of taxes, in 1852, \$145,452 00. The sixth district paid at the same time \$36,604 00. These figures show that more political power is given to one district than another, not, however, in the order, either of their voting population, or of taxation, but conversely thereto. Similar objections will arise to any bill formed under the same principle.

The white basis system controlled, or was intended should control the majority committee in framing their bill. This principle gives to the voters in those sections of the State in which are the greatest number of women and children, all the political power which is conferred by the constitution on account of those women and children, thereby making that portion of our representative population local and not diffusive in its application to the district, while another portion is considered general and diffusive. It may be here contended that this is a proper application of the political power derived from that source simply because they are constituent members of a man's family, and he being naturally their head, should exercise their public right. In this connection it may be asked, are not slaves also constituent members of a man's family? and are there not strong attachments formed between the white and black members thereof? Then, in consideration of the attachment and interest both of the owner and slave; the owner on account of the value, and the slave on account of the protection which that value secures, the head and owner of the slave family is naturally and politically the proper person to exercise their political right. Now, if there be a political power which attaches to the State as a corporate sovereignty, but which is not vested with the exercise of the elective franchise, that political power cannot be divided and a portion made diffusive and general and the other local. In other words, if it be true that the State derives political power because of the possession of any of the ingredients recog-

nized by the constitution as conferring it, and which is not known in the exercise of that power, all those ingredients should sustain the same relation to the franchise, as alike conferring and enlarging it. The minority is of opinion that whatever political power the State may derive from that portion of the population which has no voice, and exercise no power of their own will, all such power should either be diffusive and general, or all should be local.

The ingredients which constitute representative numbers, and from which are derived all political power, are of two classes. To the first class belong the white male citizens above the age of twenty-one, and who are entitled to the exercise of the franchise; to the second class belong the white women and children, free persons of color, including those bound to service for a term of years, excluding Indians not taxed, three-fifths of all other persons. This class constitutes that portion of the population which has no voice, and exercise no power of their own will alluded to above. The question then arises, not as to whether there is a political power conferred on account of the population above enumerated, but how, and in what manner such power shall be applied; shall it be restricted to the particular localities where it is to be found, or shall it be made general and diffusive throughout the State? The first class in whom the political power is directly vested, are susceptible of division, and may accordingly be divided into any number of parts; and the political power which accrues on account of them is doubtless direct and local. The second class have no such privilege, and are susceptible of no such divisions, inasmuch as the political power which is derived on account of them, is indirect in its application, and has to be exercised through the first class. Hence the deduction. If the political power derived by the first class be local, the political power derived from the second class, and received through the first class must be local also.

Again: The white basis is at variance with the spirit of the constitution of the United States. That instrument requires that representatives and direct taxes shall be apportioned upon the same principle. Now, if it were necessary for the general government to levy a direct tax, would any sensible man contend that it should be apportioned in the order which the political power is distributed, requiring each District to pay taxes on the slaves in the same proportion in which it exercises the political power derived from them? If not, then the deduction follows that under this system representatives must be apportioned so as to make all the political power derived from the slaves diffusive and general; and all the other ingredients of the second class conferring political power local. But if direct taxes have to be apportioned, then the policy is to make all the power derived from the second class local. It is a bad rule that will not work both ways, and as before said, this power must either be all local and direct, or all general



and diffusive. The minority is clearly of opinion that all the political power which the constitution confers on the population of a State, is local and direct, and should be apportioned to the localities in which it may be found. If this be a correct principle, then the deformities and objections to the majority bill are much more apparent. To take this principle as a basis, and divide the State into seven congressional districts under it, the rates of representation to which each district is entitled is 91,203. The first district, according to the majority bill, has a representative population amounting to 112,720, being 21,511 above the ratio. The sixth district has only 72,120, being less than the ratio 19,084, making a difference between these two districts of 40,594 against the first and in favor of the sixth. When, too, it will be recollected that the first district pays into the State treasury about four times as much revenue annually as the sixth, the unequal apportionment by the majority bill, under the federal basis, is too apparent to need further comment.

Again: The white basis system might be supported with some degree of plausibility if it was based upon the voters of the district, or if there were in each district the same number of women and children; but such is not the case. It is a fact beyond controversy that in those districts where are to be found the greatest number of slaves, there are the fewest number of women, and *visa versa*; from which it necessarily follows, that in adopting the white basis you not only strengthen the political power of those districts where there are the fewest number of slaves, and weaken those in which there are the greatest number of slaves, in proportion to the difference in the number of women and children in each, but you thereby attach to them this additional strength in the use of power derived from that portion of our population, three-fifths of which are entitled to representation. For instance: ten voters, with a wife and nine children each, have under the white basis more political power than one hundred and nine voters who have no white families, but own one hundred slaves each. Again: take a State, and for the purpose of exemplifying, suppose the number of population to be 548 white inhabitants, and 21,800 slaves, and those slaves to belong to 218 of the white inhabitants, all of whom are voters, and live in the same section of the State; while the other white inhabitants of the State, 330 in number, which consist in 30 voters, each having a wife and nine children, and live in the other sections of the State; then divide the State into five congressional districts under the white basis, and what is the consequence? The natural division would be to form two districts out of the slave portion of the State, with one hundred and nine white inhabitants—and all voters—in each, and three districts of the other section in which are exclusively white inhabitants, with one hundred and ten, in each of the representative population, ten of whom are voters.—By which it will be seen that those thirty voters would have three

representatives in congress, while the two hundred and eighteen voters would have only two representatives with an additional representative population, three-fifths of which would be equal to 13,080 voters, and which by the white basis, is made diffusive, and equally apportioned among the five districts, which gives to the thirty voters the exercise of ten times more of the political power derived therefrom than they would be entitled to were the districts divided according to the number of voters, and forty times more than they would be entitled to under the federal basis, or the proportion which 13,290 bear to 330. This is a legitimate supposition, and only requires modification to apply directly to the districts of Alabama.

In further support of the federal basis, the minority would add, that from the adoption of the State government, for twenty years, this principle was strictly observed, as has been the case in all the other States in which slavery exists, even to the present time. Is this not sufficient of itself to cause the friends of white basis to pause, and ask themselves this question: Are all the other States wrong on this basis principle, and Alabama right? Or is it not more likely that the other States are right and Alabama wrong? The minority begs to be pardoned for propounding to the friends of the white basis another question: Was it justice, or was it political power that prompted the adoption of the white basis principle? And is it likely that the necessity of its adoption would have been as great if it had have weakened the then dominant party instead of strengthening it—as was the case—in congress? It is to be hoped that those legislators who caused the adoption of the white basis can with a clear conscience say that nothing but the true principles of justice prompted that act.

Alabama stands alone on this principle, and notwithstanding it has been in operation about twelve years, yet no other slave State has seen proper to follow her example. With this view of the subject, the minority feels bound to oppose the majority bill, and asks leave, most respectfully, to submit a bill prepared upon the federal basis principle. Being not wedded, however, to this bill in particular, the minority would most cheerfully concur in any amendments which might be adopted by the House, in which this constitutional or federal basis system had been observed.

ANDREW JAY.

Mr. Shelly moved to lay said report on the table, and that 133 copies of the same be printed.

A division of the question was called for, and the question was first put on laying said report and bill on the table, and was decided in the affirmative, and

The House then refused to print 133 copies.

Mr. Percy Walker moved to suspend all prior orders to proceed to the consideration of bills on their second reading.

Said motion prevailed.

Mr. Meek then moved to suspend the order of business to take from the table the bill to establish and maintain a system of free public schools in the State of Alabama.

Said motion prevailed; and

The further consideration of said bill was postponed until next Friday at half-past 10 o'clock, and to be made the special order for that time.

Mr. Meek from the Committee on Education, with leave of the House, reported back the bills,

To establish a system of common schools and to provide a fund for the support of the same;

To appoint a superintendent of public schools, and for other purposes.

The Senate bill,

To amend the Code in relation to township schools.

The bill

To regulate the school fund in township 7, and range 7, west, in Lawrence county; also,

The Senate bill

To regulate the school fund in the counties of Jefferson, Butler, Fayette and Cherokee.

The bill fixing the time for the election of school trustees in each county in this State; also,

The report and resolution of the Alabama State Teachers Association.

Said bills and said report and resolution were severally ordered to lie upon the table.

The bills,

To amend section 630 of the Code;

To amend the law of trading with slaves, were severally read the second time and ordered to lie on the table.

Mr. Henry moved that when the House adjourns it meet again at 7 o'clock, p. m., to dispose of local and private bills.

Said motion was lost.

The bill to exempt the property and capital stock of certain corporations from taxation, was read the second time, and referred to the Committee on Ways and Means.

The joint resolutions to amend the constitution of the State of Alabama, was read the second time and referred to the Committee on the Judiciary.

The bill to explain and fix the time when the chancery courts in the middle division shall be held, was read the second time and ordered to lie upon the table.

The bill to repeal section 1306 of the new Code, and to amend section 1307, was read the second time and referred to the Committee on the Judiciary.

The Senate bill

To authorize the court of county commissioners to establish

election precincts in the county of Franklin, was read the second time.

Mr. Hall moved to amend said bill by extending the provisions of the same to the counties of Autauga, Talladega and others; and, on motion of Mr. Watkins,

Said bill and amendment was ordered to lie on the table.

On motion of Mr. Greene,

The House resumed the consideration of the motion made by Mr. Greene to reconsider the vote taken on concurring in the report made by the Committee on the Judiciary, adverse to the bill defining the liabilities of rail road companies.

The House refused to reconsider said vote.

The Senate bill

To compensate jailors in certain cases, was read the second time and ordered to a third reading on to-morrow.

The bill for the relief of certain persons therein named, was read the second time.

Mr. Percy Walker moved to amend said bill by extending the provisions of the same to Adolph Pilloe, Wm. Walker, Charley Lesesne, Pepin Chapman, John Scott and James Savage.

On motion of Mr. Cochran,

Said bills and amendments were severally referred to the Committee on Propositions and Grievances.

Mr. Hall, from the Joint Committee, raised to examine the offices of the treasurer and comptroller, with leave of the House, reported a bill to be entitled an act to increase the pay of the treasurer of the State; and,

Also, submitted the following report; which bill and report, on motion of Mr. Martin, were ordered to lie upon the table and 133 copies thereof be printed, viz:

#### REPORT.

The joint committee appointed to examine the offices of the comptroller of public accounts and the treasurer of the State for the period of two years, ending with the 30th day of September A. D., 1853, have performed that duty and directed me to report in relation thereto:

Your committee commenced their investigation with the period designated, and conducted the same to the 19th day of January, A. D., 1854, inclusive; that being the day on which they closed their count of the money in the office of the treasurer. Your committee have compared all the vouchers with the books in the office of the comptroller—the warrants and vouchers in the office of the treasurer, together with the books kept by him—they examined the extensions and additions, and compared the books of each office, which were found to be accurate and correct.

Your committee compared the results of their examination with

the reports made by each of said officers, to the present session of the general assembly—their statements of the receipts, disbursements and balances of the public money, are strictly true.

Your committee deem it proper to report, that by their examination they ascertain that the treasurer has received, since the end of the last fiscal year, commencing with the first day of October, A. D., 1853, to the 19th day of January, A. D., 1854, the sum of..... \$327,673 65

The disbursements during the same period have been..... 97,676 89

Showing balance on hand on business during that period of..... \$229,996 76

To which we added the balance on hand at the close of the fiscal year, 30th Sept. 1853..... \$1,221,513 60

Showing the total in treasury, January 19th, 1854, to be..... \$1,451,510 36

Your committee would report that the sum of \$1,221,513 60 had been carefully reported by the treasurer before they commenced their investigation of his office, and they find the same to consist of the following funds:

In notes of the State Bank and Branches, and classed as fit for circulation .....	\$792,199 00
Notes of the same so mutilated and defaced as to be unfit for circulation .....	104,583 00
Notes of the Bank of Mobile and Southern Bank of Alabama.....	211,335 00
Notes of the Bank of Montgomery.....	29,781 00
Treasury warrants.....	31,219 83
Certificates of deposit in the Bank of Mobile.....	27,000 00
In gold coin of the U. S. and Foreign.....	21,825 82
In silver.....	3,569 95

Your committee would beg leave to report that the money received by the treasurer after the close of the fiscal year, September 30th, 1853, had not been by him reported—that the sum of \$200,301 00 thereof is in the notes of the State Bank and the Branches thereof—of the Bank of Mobile—the Southern Bank of Alabama—the Northern Bank of Alabama—and the Bank of Montgomery. That officer estimates that at least \$20,000 00 of those notes of the State Bank and Branches are so mutilated and defaced that they are unfit for circulation—that there is in gold \$29,676 11, and in silver, \$19 65.

Your committee have deemed it expedient to make special report of the character of the funds in the treasury, because of the measure now pending in one branch of the general assembly to

provide for the proper disposition of such of the notes of the State Bank and Branches now in the treasury, and as are supposed to be too much defaced for circulation.

In the course of their investigation your committee were led to examine the correspondence of the treasurer with certain persons, from which they learn that the outstanding claims mentioned in his report are correct and unpaid, and advise that the Governor be authorized to take the necessary steps to collect the amount claimed to be due and owing by Charles H. Stuart, Esq.; and to effect which, they have directed me to report the accompanying joint resolution, and recommend the passage thereof.

Your committee would further report that the treasurer has kept with care, and very considerable labor, the registry of the bonds issued by the State, as well as those which have been redeemed, which was submitted to their inspection and examination.

Your committee would respectfully recommend that the salary of the treasurer is far short of an adequate compensation for the labor and immense responsibility incurred in the discharge of his official duties, and they have directed me to report the accompanying bill to increase his pay, and recommend its passage.

Your committee avail themselves of this occasion to bear testimony, that whilst engaged in the discharge of the labors of their investigation, each of the officers were prompt and cheerful in rendering to the committee every facility to advance their investigation.

J. D. WEBB,  
Chairman.

Also, the following resolution, viz:

*Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor of this State be, and he is hereby authorized and empowered to take the necessary steps to settle and collect the amount from Charles H. Stuart that he is indebted to the State of Alabama; as is shown by the report of the treasurer to the present session of the general assembly.*

And the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, February 2, 1854.

The House met pursuant to adjournment.

The House resumed the consideration of the Senate bill entitled an act to increase the pay of certain officers therein named.

The question being on the motion of Mr. Yelverton to postpone the further consideration of the same to the 13th of February; when, with leave of the House, Mr. Yelverton withdrew said motion.

The question then recurred on the motion of Mr. Watkins to indefinitely postpone the further consideration of said bill.

Mr. W. P. Davis moved to lay said bill on the table.

Said motion was lost.



The question again recurred on the motion to postpone indefinitely, and the yeas and nays were demanded.

The motion was lost. Yeas 32, nays 58.

Those who voted in the affirmative are:

Messrs. Alldredge, Allen, Calhoun, Carroll, Clifton, Comer, Fletcher, Garth, Gibson, Gillam, Hanserd, Henry, R. H. J. Holly, A. Holly, Irwin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Murphy, Musgrove, Nelms, Newell, Newman, Pickett, Reynolds, Rhodes, Sanford, Scott, St. John, Vest, Ward and Watkins.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Cochran, Cole, Cowan, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foreman, Foscue, Fox, Gilbreath, Hall, Hatcher, Hays, Hill, Horn, Inge, Jay, Judge, Laughinghouse, Lawrence of Shelby, Lindsey, Martin, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Odom, Owen, Payne, Phillips, Robinson, Shelly, Sterritt, Skelton, Talbert, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, Webb, Whitsitt, Wilkins, Wills and Yeldell.

Mr. Cochran moved to amend said bill by striking out the first section of the same and inserting a substitute.

Mr. Shelly raised a point of order, that as the amendment was not germane to the section proposed to be stricken out, but contained a distinct proposition, it was therefore out of order.

Said point of order was overruled by the chair.

Mr. L. P. Walker moved to lay said amendment on the table.

Mr. Speaker decided the motion to be out of order.

Mr. Payne moved the previous question, and the question "shall the main question now be put?" was decided in the negative.

The question then recurred upon the adoption of the amendment proposed by Mr. Cochran, and the yeas and nays were demanded.

The amendment was adopted—yeas 48, nays 45.

Those who voted in the affirmative, are:

Messrs. Speaker, Alldredge, Calhoun, Carroll, Clifton, Cochran, Comer, Cook, Farrior, Fletcher, Foreman, Gillam, Goodin, Greene, Hays, Henry, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Musgrove, Murphy, Newell, Newman, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, Skelton, St. John, Talbert, Thornton, Vest, Ward, Wilkins, Wills, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Abercrombie, Agee, Allen, Bell, Belser, Benners, Burnett, Bishop, Brown, Camp, Cole, Cowan, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox,

Garth, Gilbreath, Hall, Hanserd, Hatcher, Hill, Inge, Judge, Laughinghouse, Lindsey, Martin, Meek, Nelms, Odom, Owen, Payne, Phillips, Shelly, Sterritt, Todd, Walker of Lauderdale, Walker of Mobile, Watkins, Webb and Whitsitt.

Mr. Cochran moved to refer the bill and amendment to the Committee on the Judiciary.

Said motion prevailed, and the same was referred accordingly.

The hour of a quarter before 11 o'clock having arrived, the House resumed the consideration of the special order for that hour, it being the substitute reported by the Committee on Internal Improvement extending aid to certain rail roads.

Mr. Hubbard moved to postpone indefinitely the further consideration of said bill.

Mr. Hubbard moved to postpone the further consideration of said bill until half after 3 o'clock this evening, and to be made the special order for that hour, and

Said motion prevailed.

Mr. Owen, from the select committee, to whom was referred the bill to be entitled an act to authorise the corporate authorities of the city of Mobile to regulate wharves and wharfage in the said city, reported the same back without amendment; and the bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Newman moved to suspend the order of business, in order to proceed to the consideration of the resolution from the Senate proposing to adjourn "*sine die*," on the 13th inst.

Mr. L. P. Walker moved to adjourn until 3 o'clock, p. m., and the yeas and nays were demanded.

Said motion was lost Yeas 28, nays 60.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Bell, Belser, Brown, Camp, Cowan, Gilbreath, Goodin, Hays, Hubbard, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Martin, McBryde, Meek, Odom, Owen, Payne, Phillips, Rhodes, Robinson, Walker of Lauderdale and Walker of Mobile.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Allen, Bishop, Burnett, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gillam, Hall, Hanserd, Hatcher, Henry, Horn, Humphreys, Inge, Johnson, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Phillips, Reynolds, Sanford, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Todd Vest, Watkins, Webb, Whitsitt Wilkins, Wills, Yeldell and Yelverton.

The question then recurred on the motion of Mr. Newman.

The motion prevailed—yeas 76, nays 12.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Bell, Ben-

ners, Bishop, Brown, Burnett, Calhoun, Carroll, Clifton, Cole, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, Wm. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gillam, Greene, Hall, Hanserd, Hatcher, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Martin, McBryde, McCall of Barbour, McCall of Choc-taw, Murphy, Musgrove, Nelms, Newell, Newman, Reynolds, Rhodes, Robinson, Sanford, Scott, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Watkins, Weaver, Webb, Whitsitt, Wilkins, Wills, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Agee, Belser, Camp, Cochran, Gilbreath, Meek, Odum, Owen, Payne, Pickett, Walker of Lauderdale and Walker of Mobile.

Mr. W. P. Davis moved to adjourn. Lost.

Mr. Carroll moved to reconsider the vote just taken on suspending the order of business.

Mr. Meek moved to postpone the motion to re-consider until the 13th inst.

Mr. Rhodes moved to adjourn until 3 o'clock this evening.

The question then recurred on the motion of Mr. Meek to postpone the consideration of the motion to re-consider until the 13th instant.

Said motion was lost.

The question then recurred on the motion of Mr. Carroll to reconsider.

Said motion was lost.

The House then proceeded to the consideration of said resolution.

Mr. Lindsey called for the previous question.

Mr. L. P. Walker made the following point of order:

"That as the House had previously acted on a resolution which originated in the House, to adjourn *sine die* on the 13th inst., by laying said resolution on the table, that the resolution from the Senate proposing to adjourn *sine die* on the same day was not in order."

Mr. Speaker (Mr. Judge in the chair,) overruled said point of order.

Mr. Humphreys then made a point of order, as follows, viz:

"That as the message from the Senate communicated nothing but the information that a resolution to adjourn *sine die* on the 13th inst. had passed the Senate, and that as the resolution itself had not been transmitted to the House, there was nothing before the House upon which it could act, the consideration of the message was therefore out of order."

Said point of order was sustained by Mr. Speaker, (Mr. Judge in the chair.)

Mr. Hall appealed from said decision.

Pending which, the following message was received from the Senate, by Mr. Nicholson:

Mr. Speaker: The Senate has approved the following resolution, viz:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses of the general assembly will adjourn *sine die* on the 13th day of February, inst., in which the concurrence of the House is requested.

Mr. Curry moved to adjourn until 3 o'clock this evening.

Said motion prevailed.

And the House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called, and the following members answered to their names, viz:

Messrs. Speaker, Alldredge, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Clifton, Comer, Cowan, Creagh, Curry, Farrior, Findley, Fletcher, Foreman, Garth, Gilbreath, Gillam, Hall, Hatcher, Henry, R. H. J. Holly, A. Holly, Horn, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Barbour, Murphy, Musgrove, Nelms, Newell, Newman, Payne, Phillips, Pickett, Reynolds, Sanford, Skelton, St. John, Sterritt, Talbert, Vest, Walker of Mobile, Weaver, Webb, Whitsitt, Wilkins, Wills and Yelverton—57.

Mr. Phillips, from the select committee, composed of the delegations from the county of Dallas, reported back the bill to incorporate the Broad Street Hotel Company without amendment.

Said bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Comer, from the Committee on Propositions and Grievances, reported back the bill for the relief of James Jones, a free person of color, without amendment.

Mr. Percy Walker moved to lay said bill on the table. Lost.

The bill was ordered to be engrossed for a third reading on tomorrow, Messrs. Percy Walker, Curry, Hanserd, Sterritt, Pickett and Talbert voting in the negative.

Leave of absence was granted to Mr. Martin, indefinitely.

Mr. Foscue, from the Committee on Propositions and Grievances, reported adversely to the petition for the relief of A. Looney.

Said report was concurred in.

Mr. Foscue, from the same committee, to whom was referred the claim of Miles Ray, reported a bill for the relief of said Ray.

Said bill was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Foscue, from the same committee, reported adversely to the bill for the preservation of fish in the smaller water streams in the State of Alabama.

Mr. Humphreys moved to lay said report on the table. Lost—and said report was then concurred in.

Mr. Foscue, from the same committee, to whom was referred the petition and bill for the relief of S. F. Hale and securities, reported back a substitute therefor; and pending the question of adopting said substitute, the hour of half past 3, p. m., having arrived, the House resumed the consideration of the bill extending aid to certain rail roads, reported by the committee by way of substitute; the question being upon the adoption of the amendments proposed by Mr. Scott, to wit: "Strike out the last section of the bill, and to insert a proviso at the end of the first section of the bill."

Said amendments were adopted.

The question then recurred upon the adoption of the amendments proposed by Mr. L. P. Walker, to wit: strike out "sixty," in the thirteenth line in the first section, and insert "fifty," also, to strike out all after the word "act," in the eighth line in tenth section.

Said amendments were adopted.

Mr. Camp moved to amend by an additional section extending all the provisions of said bill to the North-east and South-west rail road; and the yeas and nays were demanded.

Said amendment was adopted. Yeas 46, nays 43.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Allen, Bell, Belser, Benners, Bishop, Brown, Camp, Calhoun, Cole, Curry, W. P. Davis, Foreman, Fletcher, Garth, Gilbreath, Hatcher, Henry, Hill, A. Holly, Humphreys, Inge, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, Martin, McBryde, Meek, Murphy, Nelms, Newman, Odom, Owen, Phillips, Pickett, Scott, Skelton, Walker of Lauderdale, Walker of Mobile, Webb, Whitsett, Yeldell and Yelverton.

Those who voted in the negative are:

Messrs. Agee, Alldredge, Burnett, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Foscue, Fox, Gillam, Green, Hanserd, Horn, Hubbard, Lawrence of Fayette, Laughinghouse, Lindsey, McCall of Choctaw, Musgrove, Newell, Payne, Reynolds, Rhodes, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Watkins, Weaver, Wilkins and Wills.

Mr. Abercrombie moved to amend said amendment by proviso, to come in at the end of section 3, as follows:

*Provided*, That no stockholder of any company availing itself of the provisions of this act shall, by the sale or transfer of his stock, avoid his liability to pay or account for the full amount he

may have subscribed to the capital stock of the company of which he is a member.

Said amendment was adopted.

Mr. W. P. Davis moved to amend said bill as follows:

*Provided further*, That the board of directors of the said Alabama and Tennessee River Rail Road Company shall have and they are hereby vested with power to pledge in such form and manner as the board may deem proper, all the property, means and effects of the company, and all their rights of every description, including the income of the company in future or such portion thereof as the board may deem proper as security or indemnity, to whomsoever may become bound as securities for the company or otherwise, for the removal or payment of the lien aforesaid; *Provided* that the lien which may be given to said sureties for the indemnity as aforesaid, shall be subordinate to, and shall not effect the superior and permanent lien given to the State by virtue of this act.

Said amendment was adopted.

Mr. Judge moved to amend said bill by way of substitute for sixteenth section, as follows:

SEC. —. *And be it further enacted*, That the Montgomery and West Point Rail Road Company and the Alabama and Mississippi Rivers Rail Road Company shall be entitled to the aid provided for in the provisions of this bill, notwithstanding any liens which may exist against said companies, or either of them; *Provided* that they give to the State such security as to removal of liens as is required of the Alabama and Tennessee Rivers Rail Road Company by the provisions of this act; and if the said companies, or either of them, shall merge their stock in a company to be known as the Western Rail Road Company, under an act passed or to be passed for that purpose and others, then the said Western Rail Road Company shall be entitled to all the benefits of this act on giving to the State such security as to removal of liens as is required of the Alabama and Tennessee Rivers Rail Road Company by the provisions of this act.

Said amendment was adopted.

Mr. Creagh moved to amend as follows:

SEC. 20. *And be it further enacted*, That the personal property and real estate of each individual stockholder in any company taking any benefit under this act, shall be liable to the State for any loss occasioned by the failure of their several companies to meet the liabilities assumed by the State under this act, and the assent in writing of such stockholders shall be furnished to the Governor before he shall issue any bonds under this act, and the persons who are stockholders, when aid is given by the State, shall be responsible as herein provided, notwithstanding a subsequent transfer; and

The yeas and nays were demanded on its adoption.

Said amendment was adopted—Yeas 57, nays 38.



Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Benners, Clifton, Cochran, Cole, Comer, Cowan, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Findley, Foreman, Foscue, Fox, Gillam, Goodin, Greene, Hall, Hanserd, Hays, Hill, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Odom, Reynolds, Rhodes, Robinson, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Ward, Weaver, Webb, Whitsitt, Wilkins and Yelverton.

Those who voted in the negative, are:

Messrs. Abercrombie, Allen, Bell, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Curry, W. P. Davis, Farrior, Fletcher, Garth, Hatcher, Henry, Horn, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Martin, McBryde, Meek, Nelms, Owen, Payne, Phillips, Pickett, Rutherford, Scott, Shelly, Skelton, Walker of Lauderdale, Walker of Mobile, Watkins, Wills and Yeldell.

Mr. Hubbard moved to amend said amendment by inserting "in writing" after the word "assent," where the same occurs in the 20th section.

Said amendment was adopted.

Mr. Shelly moved to amend said substitute, to be added to the 20th section, as follows:

*Provided*, That the individual property of no stockholder of any company shall be liable, as herein provided, to a greater extent than the amount of his subscription to the capital stock of the company of which he is a member, in addition to the amount of his subscription.

Mr. Benners moved to amend as follows:

Strike out the words in the second line of the second section "or their proceeds at not less than par value shall," and insert, "shall be disposed of for cash only, at not less than par to."

Said amendment was adopted.

The question then recurred upon the adoption of the substitute reported by the committee as amended, and

The yeas and nays were demanded.

Said substitute was adopted.—Yeas 67, nays 26.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Fletcher, Foreman, Fox, Garth, Gilbreath, Goodin, Greene, Hall, Hatcher, Hays, Henry, Horn, Humphreys, Inge, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Martin, McBryde, McCall of Barbour, Murphy, Meek, Nelms, Newman, Owen, Payne, Pickett, Rutherford, Scott, Shelly, Skelton, St. John, Sterritt, Todd, Walker of Lauderdale,

Walker of Mobile, Ward, Watkins, Webb, Wilkins, Wills, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Benners, J. W. Davis, Findley, Foscue, Gillam, Hanserd, Hill, R. H. J. Holly, A. Holly, Hubbard, Irwin of Walker, Lawrence of Fayette, Lindsey, McCall of Choctaw, Musgrove, Newell, Odom, Reynolds, Rhodes, Robinson, Sanford, Talbert, Thornton, Vest, Weaver and Whitsitt.

The question then recurred on ordering the bill to be engrossed for a third reading on to-morrow, and the yeas and nays were demanded, and

The House refused to order the bill to be engrossed for a third reading—Yeas 40, nays 54.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Allen, Bell, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Clifton, Curry, W. P. Davis, Fletcher, Foreman, Garth, Gilbreath, Henry, Horn, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, Meek, Nelms, Owen, Payne, Pickett, Rutherford, Scott, Shelly, Skelton, Sterritt, Walker of Lauderdale, Walker of Mobile, Watkins, Wills, Yeldell and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Benners, Carroll, Cochran, Cole, Comer, Cowan, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Foscue, Fox, Gillam, Greene, Hall, Hanserd, Hatcher, Hays, Hill, R. H. J. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Odom, Reynolds, Rhodes, Robinson, Sanford, St. John, Talbert, Thornton, Todd, Vest, Ward, Weaver, Webb, Whitsitt and Wilkins.

Mr. Hall moved to reconsider the vote just taken.

Mr. Curry moved to lay said motion on the table.

Mr. Judge moved to adjourn until to-morrow morning at ten o'clock, and

The yeas and nays were demanded.

Said motion was lost—Yeas 31, nays 47.

Those who voted in the affirmative, are:

Messrs. Bell, Belser, Bishop, Brown, Camp, Calhoun, Cochran, Comer, Cowan, Fletcher, Foreman, Garth, Gilbreath, Hatcher, Henry, A. Holly, Horn, Judge, Johnson, Laughinghouse, Lawrence of Cherokee, McCall of Barbour, Meek, Nelms, Owen, Payne, Pickett, Skelton, Walker of Lauderdale, Watkins, Webb, and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Benners, Burnett, Carroll, Clifton, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gillam,

Greene, Hall, Hanserd, Hill, R. H. J. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Lawrence of Fayette, Lindsey, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Odom, Rhodes, Robinson, Sanford, St. John, Talbert, Thornton, Todd, Vest, Walker of Mobile, Weaver, Whitsitt and Wilkins.

The question then recurred on motion of Mr. Curry, to lay the motion to reconsider on the table, and

Said motion prevailed.

A message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary, as follows:

Mr. Speaker: His excellency, the Governor, has approved the following bill which originated in the House of Representatives, viz :

An act in relation to the court of Dallas county ;

An act to authorise the county treasurer of Jefferson county to pay over certain funds, and for other purposes ;

An act to exempt Franklin county from the operations of certain sections of the Code ;

An act to provide for the payment of certain fees to notaries public for notices of protest ;

An act for the relief of Harvey Pearson of St. Clair county ;

An act to incorporate the Can't-Get-Away Club of Mobile ;

An act to change the time of holding the circuit courts in the fourth judicial circuit of Alabama ;

An act to increase the compensation for grand, petit and tales jurors of the county of Macon ;

An act to alter the commencement of the fall term of the circuit court, in the eighth circuit, for the purpose of allowing an additional week to the county of Pike ;

And the House adjourned until to-morrow morning 10 o'clock.

FRIDAY, February 3, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Jay.

Mr. Bell (with leave of the House) introduced a bill to be entitled an act in aid of the Mobile and Ohio Rail Road Company ; which was read the first time, and the constitutional rule being suspended, was read the second time ; and,

On motion, the further consideration of the same was postponed until Tuesday next, and made the special order for half-past ten o'clock of that day.

Mr. Pickett (with leave) introduced a bill to divorce Joseph H. Wallis from his wife, Mary Wallis ; which was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. L. P. Walker (with leave) introduced a bill to amend the charter of the town of Florence ; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Leave was granted to Mr. Sterritt to withdraw the petition of Horace Ware of Shelby county.

Mr. McBryde made an explanation of the cause of his absence on yesterday when the vote was taken refusing to order to a third reading the bill extending aid to certain rail roads, which was information of the sudden and serious indisposition of his family, and asked leave to have his vote recorded in the affirmative.

Mr. Hall moved to suspend the call of counties to proceed to the consideration of the resolution from the Senate proposing to adjourn *sine die* on the 13th inst. Carried.

Mr. Agee moved to amend the resolution by striking out "13," and inserting "6;" a division of the question was called for, and the question was first put on striking out, and the same prevailed.

Mr. Whitsitt then moved to fill the blank made by striking out "13," with "18th;" and the yeas and nays were demanded.

The same was carried—yeas 59, nays 33.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Alldredge, Allen, Bell, Belser, Benners, Brown, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Cowan, Cook, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Gilbreath, Hanserd, Hill, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, Meek, Murphy, Nelms, Odom, Owen, Payne, Pickett, Robinson, Rutherford, Scott, Shelly, St. John, Todd, Vest, Walker of Lauderdale, Ward, Watkins, Weaver, Webb, Whitsitt, Wills and Yelverton.

Those who voted in the negative are:

Messrs. Bishop, Carroll, Clifton, Creagh, Curry, Ervin of Wilcox, Farrior, Foscue, Fox, Garth, Gillam, Goodin, Hall, Hatcher, Henry, R. H. J. Holly, Humphreys, Johnson, Laughinghouse, Lawrence of Fayette, McCall of Choctaw, Musgrove, Newman, Newell, Phillips, Reynolds, Rhodes, Sanford, Skelton, Sterritt, Thornton, Talbert, Watkins and Yeldell.

Mr. Burnett moved to re-consider the vote just taken.

Mr. Pickett moved to lay the motion to re-consider on the table. Carried.

The Senate resolution, as amended, was then adopted, and ordered that the same be sent forthwith to the Senate.

Mr. Curry moved to re-consider the vote taken on yesterday, referring the bill to be entitled an act to increase the salaries of certain officers therein named, to the Committee on the Judiciary.

Mr. Speaker (Mr. Judge in the chair,) then moved to reconsider the vote taken on yesterday, adopting the amendment of Mr. Cochran to the said bill, and the yeas and nays were demanded. Carried—yeas 48, nays 37.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Agee, Bell, Belser, Benners, Bishop,

Brown, Burnett, Camp, Calhoun, Cole, Cowan, Cook, Curry, W. P. Davis, J. W. Davis, Ervin of Wilcox, Findley, Foscue, Garth, Gilbreath, Gillam, Hall, Hanserd, Hatcher, Hays, Henry, Hill, Horn, Inge, Judge, Laughinghouse, Lawrence of Shelby, Lindsey, McBryde, Meek, Nelms, Odom, Owen, Payne, Phillips, Shelly, Skelton, Sterritt, Todd, Walker of Mobile, Watkins, Whitsitt, Webb and Wills.

Those who voted in the negative, are:

Messrs. Alldredge, Carroll, Clifton, Cochran, Comer, Farrior, Fletcher, Foreman, Fox, Goodin, R. H. J. Holly, Hubbard, Humphreys, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Pickett, Reynolds, Rhodes, Robinson, Sanford, Scott, St. John, Talbert, Thornton, Vest, Ward, Wilkins, Yeldell and Yelverton.

The question then recurred on the amendment of Mr. Cochran.

Mr. Percy Walker moved to amend the amendment by an additional section at the end of Mr. Cochran's amendment; which, with the leave of the House, was withdrawn by Mr. Percy Walker.

Mr. Cook called for the previous question, and the question "shall the main question now be put?" was sustained.

The question then recurred on ordering the said bill to a third reading, and the yeas and nays were demanded. Carried—yeas 50, nays 40.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Cole, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gilbreath, Gordy, Hall, Hatcher, Hill, Inge, Judge, Laughinghouse, Lawrence of Shelby, Lindsey, Meek, Nelms, Odom, Owen, Payne, Phillips, Robinson, Rutherford, Shelly, Skelton, Sterritt, Talbert, Todd, Walker of Lauderdale, Walker of Mobile, Webb, Whitsitt and Wills.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Carroll, Clifton, Cochran, Comer, Farrior, Fletcher, Foreman, Garth, Gillam, Goodin, Hanserd, Hays, Henry, R. H. J. Holly, A. Holly, Horn, Hubbard, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Pickett, Reynolds, Rhodes, Sanford, Scott, St. John, Thornton, Vest, Ward, Watkins, Wilkins, Yeldell and Yelverton.

The House then resumed the consideration of the bill to build the Alabama State Central Rail Road; the question being on the amendment proposing to insert \$500,000 annually.

Mr. Wills moved to lay said bill and amendment on the table, and the yeas and nays were demanded. Carried—yeas 59, nays 27.



Those who voted in the affirmative, are :

Messrs. Speaker, Agee, Alldredge, Allen, Bishop, Brown, Burnett, Carroll, Clifton, Cochran, Cole, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Farrior, Findley, Gillam, Goodin, Greene, Hall, Hanserd, Hatcher, Hays, Henry, Hill, R. H. J. Holly, Horn, Hubbard, Inge, Irwin of Walker, Johnson, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Scott, Skelton, Talbert, Thornton, Todd, Vest, Weaver and Wills.

Those who voted in the negative, are :

Messrs. Abercrombie, Bell, Belser, Benners, Camp, Calhoun, Ervin of Wilcox, Fletcher, Foreman, Foscue, Fox, Garth, Gilbreath, Humphreys, Inge, Laughinghouse, Lawrence of Cherokee, Meek, Owen, Phillips, Rhodes, Shelly, St. John, Sterritt, Walker of Lauderdale, Walker of Mobile, Webb, Whitsitt and Wilkins.

Mr. Belser moved to suspend all prior orders in order to proceed to the consideration of the engrossed bill to be entitled an act to aid the Coosa and Tennessee River Rail Road. Carried.

Mr. Alldredge moved to amend said bill by way of engrossed rider.

Mr. Lindsey moved to postpone the bill and amendments until the 18th day of February, instant, and with leave of the House the same was withdrawn by Mr. Lindsey.

A message from the Senate, by Mr. Nicholson :

Mr. Speaker: The Senate has originated and passed bills of the following titles:

For the relief of Seaborn Kelly ;

For the relief of James Shearman, late tax collector of Russell county ;

To authorise the secretary of state to issue a patent to G. L. Hogan ;

To create an additional regiment in Randolph county ;

Also, a bill to authorise a loan of cadet muskets to a certain Academy, which originated in the House.

A message from his excellency the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency the Governor has approved the following bills which originated in the House of Representatives:

An act to divorce certain persons therein named ;

An act for the payment of money to John F. Dill for removing obstructions in the Coosa river ;

An act for the benefit of the tax assessor of Dale county ;

An act to divorce certain persons therein named ;

An act for the relief of W. Clark, tax collector of Cherokee county, and John B. Smith of Jefferson county ;

An act to consolidate the offices of judge of probate and clerk of circuit court of Hancock county ;



- An act to incorporate the Tuskegee Female College;
- An act to authorise certain probate judges to order a special election for commissioners of roads and revenue of said counties;
- An act to attach David Seabors of Benton county to precinct No. 1.
- An act for the relief of Michael K. Moore and Cromwell H. Moore;
- An act to amend an act to incorporate the Northern Bank of Alabama;
- An act for the relief of Mrs. Elizabeth Jones and others, the securities of Alexander C. Walker;
- An act to authorise the county treasurer of Jackson county to pay certain claims, &c.;
- An act for burial expenses in Pickens county;
- An act for the relief of the deaf and dumb in this State;
- An act to authorise the summoning of witnesses in certain cases, in the county of Jackson;
- An act for the relief of William Weatherford and others;
- An act to authorise Allen C. Jones to erect gates across the Gum Spring road;
- An act to exempt millers and sheriffs from road duty in the county of Fayette;
- An act to authorise the commissioners' court of DeKalb and other counties, to levy a tax on nine and ten pin alleys;
- An act defining the boundaries of a new election precinct in the county of Jackson, and for other purposes;
- An act to make Nancy J. Graves, of the county of Fayette, a free dealer;
- A memorial to congress in relation to the reduction of the price of pine lands in this State;
- An act in reference to the fees of the judge of probate of Mobile county, and for other purposes;
- An act to change the name of James Martin of Mobile county.
- An act to authorise David Clopton, administrator of John Trafford, deceased, to sell the real estate belonging to said deceased, which said estate has escheated;
- An act to incorporate the Planters' Insurance Company.
- Mr. Lindsey, from the Committee on Enrolled Bills, reported back the following bills as correctly enrolled, viz:
- A bill to amend an act to incorporate the Coosa and Chattanooga Rail Road Company;
- A bill to amend the charter of the town of Marion, in Perry county;
- A bill to authorise the comptroller of public accounts to settle with the sureties of Wm. B. Campbell, late tax collector of Randolph county;
- A bill for the relief of Thomas Golden, of Madison county;
- A joint memorial to congress concerning the account of James Rumph;

- A bill for the relief of John Rudolph of Conecuh county;
  - A bill to amend the several acts incorporating the town of Tusculumbia, in Franklin county;
  - A bill to pay jurors in the county of Chambers;
  - A bill to authorise the trustees of sixteenth section in township 17, range 6, east, to substitute certain notes for others heretofore taken, and for other purposes for a part of said sixteenth section;
  - A bill to incorporate the West Point, Georgia, and Tennessee River Rail Road Company.
- The House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Alldredge, with leave of the House, presented the account of Thomas Harrison;

Also, the account of W. B. and A. R. Bell; which were severally referred to the Committee on Accounts and Claims.

Mr. Pickett moved to suspend all prior orders to proceed to consider the message from the Senate.

Said motion prevailed.

Mr. Percy Walker moved to re-consider the vote just taken. Carried.

Mr. Percy Walker moved to suspend all prior orders to proceed to the consideration of bills on their second reading.

Said motion prevailed.

The bills:

To change the names of certain persons;

To amend and explain the charter of the Mobile and Springhill Plank or Shell Road Company, were severally read the second and third times, under a suspension of the constitutional rule, and passed.

The bill to increase the power of the court of county commissioners in certain cases, was read the second time, and referred to the Committee on the Judiciary.

The bill for the relief of Jane Creibzberg, was read the second time.

Mr. Pickett moved to amend said bill by extending its provisions to Frances Berryman of Lawrence county, to Mary Livingston, wife of George Livingston, of Montgomery county.

Mr. Judge moved to re-consider the vote by which the House postponed indefinitely the bill for the relief of Susan Saltzer. Carried.

The question then recurred on the adoption of the amendments to the bill for the relief of Jane Creibzberg.

Mr. Lindsey moved to further amend said bill by extending the provisions of the same to the said Susan Saltzer and others.

Mr. Hill called for the previous question.

Mr. Goodin moved to lay said bill on the table.

Said motion prevailed.

The bill to authorise the officers of the 67th and 99th regiments of Tallapoosa county to divide said county into three regiments, was read the second time, and referred to the Committee on the Military.

The bill to incorporate the Mobile Female Select Institute in the city and county of Mobile, was read the second and third times, under a suspension of the constitutional rule, and passed.

The bill for the relief of Isaac Smith of Covington county, was read the second time.

Mr. Carroll moved that the bill be referred to the Committee on Ways and Means, with instructions to report a general bill.

Mr. Foscue called for a division of the question, and the question was first taken on referring the bill, and the motion was lost.

The bill was then ordered to be engrossed for a third reading on to-morrow.

The bill to incorporate the town of Wakefield, in Marshall county, was read the second time, and referred to the Committee on Corporations.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary:

EXECUTIVE DEPARTMENT,  
Montgomery, February 3, 1854. }

Hon. WILLIAM GARRETT,

Speaker of the House of Representatives. :

Sir: I return to the House of Representatives, the body in which it originated, a bill to be entitled an act for the relief of Lucy Jane Jordan of Coffee county.

The sovereignty of the State, the people in convention assembled, delegated to three distinct branches a certain degree of power to be exercised only in accordance with other provisions of the fundamental law constituting the several branches of government.

The power of government was, by the constitution, conferred on the legislative, executive and judicial, with the express provisions—section 2, article 2—that the powers conferred on one department, should not be exercised by any other co-ordinate branch of the government.

The nature of every branch of authority to assume powers for itself, is so apparent in the history of all governments that the framers of the constitution have not left it as a matter of inference or construction, but they make it a part of the instrument which creates the legislative branch, and clothes it with certain powers, that it shall not exercise certain other powers delegated to a different department of government.

The power of pardoning cases, arising under the penal laws of the State, has been conferred on the executive branch of the government of the State—article 4, section 11.

The power of pardoning is vested in the executive, to be exercised "under such rules and regulations as may be prescribed by law."

The authority vested in the legislature, to so regulate the power of the executive in the exercise of one of its prerogatives, does by no means imply, that the legislature may assume the power to be regulated so as to prevent abuse by the executive. The legislative department might so regulate and restrict the power conferred on the executive, as to take to itself the whole exercise of power which the constitution has conferred on another and withheld from it.

The power of pardoning is to release, or absolve the offender from his liability to suffer punishment, and it no more applies to cases before conviction, or during the pendency of trial, than after conviction.

The restriction by the legislature of executive clemency to cases after conviction, can, by no logical course of reasoning, confer the power on the power so restricting. But the legislature only says, by general enactment, that the power shall not be exercised at all before conviction.

Section 13, article 6, of the constitution declares in what manner divorces from the bonds of matrimony shall be granted, by suit in chancery, which shall be sanctioned by two thirds of both houses of the general assembly.

It is very apparent that the constitution intends that a release from the sacred obligations imposed by the marriage contract, should only be granted after a strict judicial investigation, and in the most solemn forms of law.

Outside of the general constitutional objection to the bill, I am unable to give it my approval on principles, policy, and expediency. If the constitution was silent on the subject of divorces and pardons, it is very evident to my mind, that the exercise of the power of pardoning offenders would be unsafely vested in the legislative body. The duty of the legislature is, to consider what offences against the public morals and the general welfare require punishment, and the character of the punishment. It would present a conflict of reason and consistency, for the legislature to enact laws to govern a people generally, and to exempt certain persons from the operation of the penalties.

The policy of establishing such a principle would end in converting the legislature into a chamber of mercy and grace to criminal offenders; and the guilty would only have to keep out of the courts of justice, and by legislative sympathy and kindness have immunity for crime, and by passing of bills of this character grant a dispensation and legalise offences against law and morals.

The principle involved in laws of the nature of this bill, is to confer on the offending parties all the benefits of a divorce. The injured party has to go in court, and at expense, trouble, and vex-

ation, seek such relief as the law may afford, from which the defendants would be freed.

Local and personal legislation has become a curse to the land, by which measures of a general character for the public good are overlooked and neglected. If the general laws are bad it is the duty of the legislature to repeal or modify them. But while they are laws, the legislature, in my judgment, is not only departing from its proper sphere of action, but establishing unwholesome and unwise precedents for future applications of the same character.

It is proper for me to say, that I neither know, nor desire to know, any thing of the peculiar merits of the case of the party intended to be relieved. I object to the bill on constitutional grounds, as well as the policy of all such enactments by the legislative department of the government.

JOHN A. WINSTON.

The House then proceeded to reconsider said bill, and a majority of the whole number of members elected to the House having voted for the passage of the bill the same was passed.

Those who voted in the affirmative are:

Messrs. Abercrombie, Agee, Allen, Bishop, Burnett, Camp, Calhoun, Clifton, Cochran, Cole, Comer Cook, Curry, Ervin of Wilcox, Farrior, Foreman, Garth, Gilbreath, Hall, Hatcher, Hays, Henry, A. Holly, Horn, Humphreys, Johnson, Judge, Laughinghouse, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Odom, Owen, Paine, Philips, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Shelly, Skelton, St. John, Todd, Vest, Walker of Mobile, Webb, Wilks, Yeldell and Yelverton—52.

Those who voted in the negative are:

Messrs. Speaker, Alderdge, Belser, Benners, Brown, Carroll, Cowan, Creagh, J. W. Davis, Findley, Fletcher, Foscue, Gillam, Greene, Hanserd, R. H. J. Holly, Hubbard, Judge, Irwin of Walker, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Newell, Sanford, Scott, Sterritt, Thornton, Watkins, Whittitt and Wilkins.

The House then adjourned until to-morrow morning at 10 o'clock.

FEBRUARY 4th, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Gordy until Thursday next.

Mr. Curry, with leave, introduced a bill to be entitled an act to aid the Alabama and Tennessee River Rail Road.

Said bill was read the first and second times, under a suspension of the constitutional rule; and,

On motion of Mr. Creagh, its further consideration was post-



poned until Tuesday next, to be made the special order for half after 10 o'clock of that day.

Mr. Camp, with leave, introduced a bill to be entitled an act to allow the tax assessor of Jefferson county time until the first Monday in April, 1854, to make out returns of his assessment books.

Said bill was read the first and second times, under a suspension of the constitutional rule.

Mr. Shelly moved to amend said bill by extending its provisions to Talladega; and,

On motion, said bill and amendment was referred to the Committee on Ways and Means.

Mr. Judge, with leave, introduced a bill to incorporate the Montgomery Water Works Company.

Mr. Hill, with leave, introduced a bill to legalize a sale of a part of the sixteenth section, in township 23, range 26, in Chambers county.

Mr. Meek, with leave, introduced a bill to authorize the sale of the extra copies of the twenty second volume of the decisions of the supreme court.

Mr. Scott, with leave, introduced a bill to amend section 2170 of the Code of Alabama.

Mr. Lawrence, with leave, introduced a bill to provide for the formation of a new company beat in the county of Fayette, and for other purposes.

Mr. Vest, with leave, introduced a bill to provide for a set of weights and measures for the county of Hancock.

Mr. Meek, with leave, introduced a bill to incorporate the order of Knights of the Golden Cross in the city of Mobile.

Mr. Brown, with leave, introduced a bill defining the liabilities of overseers and apportioners to perform road duties in the county of Tuscaloosa;

Also, with leave, a bill to provide for the compensation of jurors and witnesses in the county of Tuscaloosa.

Said bills were severally read the first time, and the constitutional rule being suspended, were read the second and third times forthwith, and passed.

Mr. Allen, with leave, introduced a bill to survey a rail road, connecting north and south Alabama; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Percy Walker, with leave, offered joint resolutions, endorsing the harbor improvement meeting recently held in the city of Mobile; which were adopted.

Mr. Irwin of Walker, with leave, introduced a bill to consolidate the offices of tax assessor and tax collector of Walker county.

Mr. Ervin of Wilcox, with leave, introduced a bill to restore



the rights of citizenship to John Green of the county of Wilcox.

Mr. Fox, with leave, introduced a bill to incorporate the Trustees of Friendship School in the county of Wilcox.

Said bills were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Thornton offered a joint memorial of the general assembly of the State of Alabama to the Congress of the United States, in relation to a geological and agricultural survey of the State.

Said memorial was adopted.

Mr. Hall, with leave, introduced a bill for the relief of the widow of William McGuire, deceased; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

The bill for the relief of Haywood H. Hunter, was on motion of Mr. Benners taken from the orders of the day, and read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hubbard moved to reconsider the vote taken on laying on the table the bill to repeal the Code of Alabama; and,

On motion, the further consideration of the same was postponed until next Saturday, and to be made the special order for 10 o'clock of that day.

Mr. Cook introduced a bill to amend sections 2003 and 2005 of the Code, in relation to securing the earnings and accumulations of the wife to her sole and separate use in certain cases; which was read the first and second times, under a suspension of the constitutional rule; and referred to the Committee on the Judiciary.

Mr. Humphreys introduced a bill to amend the charter of the Wilcox Female Institute; which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, composed of the delegates from the county of Wilcox.

Mr. Bell introduced a bill to be entitled an act supplementary to an act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5th, 1852.

Said bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Agee introduced a bill for the relief of Eliza Jane Wood of Monroe county; which was read the first and second times, under a suspension of rule.

Mr. Meek moved to amend said bill by way of substitute. Said bill and amendments, on motion, was referred to the Committee on the Judiciary.

Mr. Judge introduced a bill to prevent more effectually the circulation of counterfeit money; which was read the first and sec-

ond times, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Belser introduced a bill for the relief of Susannah Newsom, the wife of Robert G. Newsom; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Sterritt introduced a bill in regard to appeal from registers in chancery; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Brown, with leave, introduced a bill to amend section 3289 of the Code of Alabama in regard to sampling cotton by slaves or free persons of color; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Percy Walker introduced a bill in relation to divorce; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

On motion of Mr. Curry all prior orders were suspended, and the House proceeded to the consideration of the bill to increase the salaries of certain officers therein named.

The question being on the passage of the bill, and the yeas and nays were demanded.

Said bill passed—yeas 45, nays 40.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Bishop, Brown Camp, Calhoun, Cole, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foscue, Fox, Gilbreath, Hall, Hatcher, Hill, Inge, Judge, Laughinghouse, Lawrence of Shelby, Lindsey, McCall of Choctaw, Meek, Owen, Phillips, Robinson, Shelly, Skelton, Sterritt, Talbert, Todd, Walker of Mobile, Weaver, Whitsitt and Wills.

Those who voted in the negative are:

Messrs. Aldredge, Burnett, Clifton, Comer, Fletcher, Foreman, Garth, Gillam, Goodin, Greene, Hanserd, Hays, Henry, R. H. J. Holly, A. Holly, Hubbard, Humphreys, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Pickett, Reynolds, Rhodes, Sanford, Scott, St. John, Thornton, Vest, Ward, Watkins and Yelverton.

On motion of Mr. Hall, the House then proceeded to the consideration of the Senate bill to increase the salary of the state treasurer.

Said bill was read the first time.

Mr. Hall moved to suspend the rule to give said bill a second reading forthwith, and the yeas and nays were demanded.

The House refused to suspend the rule.—Yeas 39, nays 45.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Camp, Calhoun, Cochran, Cole, Cook, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foscue, Gilbreath, Hall, Hatcher, Henry, Hill, R. H. J. Holly, Horn, Judge, McBryde, McCall of Barbour, Meek, Owen, Phillips, Rhodes, Robinson, Scott, Skelton, Todd, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Agée, Alldredge, Bishop, Brown, Burnett, Clifton, Comer, Cowan, Fletcher, Foreman, Garth, Gillam, Goodin, Greene, Hays, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Pickett, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Ward, Watkins, Webb, Wills and Yelverton.

The question then recurred on ordering said bill to a second reading.

Mr. Greene moved to lay said bill on the table.

Mr. Belser moved to postpone the further consideration of said bill till Tuesday next.

Said motion was lost.

The House then adjourned until this evening, at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

On motion of Mr. Murphy all prior orders were suspended; and

The bill establishing jury trials in DeKalb county, and for other purposes, was read the second and third times, under a suspension of the constitutional rule, and passed.

The House then resumed the consideration of the report of the Committee on Propositions and Grievances on the bill for the relief of S. F. Hale and securities.

The question being on concurring in said report; and,

On motion of Mr. Sterritt, the House refused to concur in said report.

The said bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Foscue, from the Committee on Propositions and Grievances, to whom was referred the petition of many citizens of south Alabama, reported a bill to prevent the deposit of dead animals in the water streams of this State.

Said bill was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Foscue, from the same committee, reported back the bill for the relief of Lorenzo Dow, and recommended its passage.

Mr. Hubbard moved to lay said bill on the table, and the yeas and nays were demanded.

Said motion prevailed.—Yeas 42, nays 28.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Bell, Belser, Bishop, Brown, Camp, Clifton, Cole, Curry, Farrior, Findley, Fletcher, Gilbreath, Gillum, Goodin, Hanserd, Hatcher, Hays, R. H. J. Holly, A. Holly, Hubbard, Inge, McBryde, McCall of Choctaw, Nelms, Newell, Odom, Phillips, Pickett, Robinson, Scott, Shelly, Skelton, Sterritt, Talbert, Todd, Vest, Walker of Mobile, Weaver, Webb and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Allen, Benners, Comer, Cowan, Cook, J. W. Davis, Foreman, Foscue, Henry, Hill, Horn, Humphreys, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, McCall of Barbour, Meek, Murphy, Musgrove, Newman, Owen, Reynolds, Rhodes, Sanford, Thornton and Wills.

Mr. Percy Walker, with leave, offered the following resolution, which was ordered to lie over one day under the rule:

*Resolved*, That, on and after Monday next, this House will meet at 9 o'clock, a. m., and 7 o'clock, p. m.

Mr. Foscue, from the Committee on Propositions and Grievances, to whom was referred the petition of N. Robinson, asking relief from damages arising on certain bills of exchange, and costs improperly taxed, reported adversely thereto.

Mr. Cowan moved to lay said report upon the table.

Mr. Cowan then, with leave, introduced a bill for the relief of Nelson Robinson.

Said bill was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Foscue, from the same committee, reported back a substitute for the bill to prevent camp hunting in the counties of Clarke and Randolph.

Mr. Belser moved to amend said bill by striking out the proviso.

Said motion was lost.

Mr. A. Holly moved to amend said bill by extending its provisions to the county of Covington.

Said amendment was adopted.

Mr. Vest moved to amend said bill by extending its provisions to the county of Hancock.

Said amendment was adopted.

Mr. Cochran moved to amend said bill by striking out "the citizens of other counties," where they occur in said bill, and inserting in lieu thereof the words "other persons."

Said amendment was adopted and the substitute as amended was then adopted.

Mr. Camp moved to postpone the further consideration of the said bill. Lost.

Mr. Allen moved to amend the bill as follows:

*And be it further enacted,* That the provisions of this bill shall extend to all the counties of this State.

Mr. Alldredge called for the previous question, and the question, "shall the main question be now put?" was sustained.

The question then recurred on ordering said bill to be engrossed for a third reading, and the House refused to order it—so the bill was lost.

Mr. Foscoe, from the same committee, reported back the bill for the relief of Lewis Parker of Lawrence county.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

The House then resumed the consideration of the motion of Mr. Sanford to reconsider the vote taken on postponing indefinitely the bill for the relief of Anderson M. Waddell.

Said vote was reconsidered, and the question recurred on ordering said bill to a third reading on to-morrow.

The amendment proposed by Mr. Henry being withdrawn, the yeas and nays were demanded, and the House refused to order said bill to a third reading—Yeas 32, nays 39.

Those who voted in the affirmative are:

Messrs. Agee, Allen, Bell, Burnett, Camp, Comer, Cowan, Cook, Curry, J. W. Davis, Gilbreath, Hatcher, Hays, Henry Irwin of Walker, Judge, Lawrence of Shelby, Lindsey, McBryde, Meek, Murphy, Odom, Owen, Phillips, Reynolds, Robinson, Skelton, Todd, Vest, Walker of Mobile, Watkins and Weaver.

Those who voted in the negative are:

Messrs. Speaker, Alldredge, Benners, Bishop, Brown, Calhoun, Clifton, Cochran Cole, Farrior, Lindley, Fletcher, Foreman, Garth, Gillam, Hanserd, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Nelms, Newell, Newman, Pickett, Sanford, Scott, Shelly, St. John, Talbert, Thornton, Ward, Whitsitt and Wills.

Mr. Comer, from the same committee, to whom was referred the petition of Sterling Bass, reported back a bill to be entitled an act to compensate Sterling Bass for certain services.

Mr. Inge moved to postpone indefinitely the the further consideration of said bill, and the yeas and nays were demanded.

Said motion prevailed—Yeas 42, nays 35.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Allen, Bell, Benners, Brown, Barnett, Camp, Clifton, Cole, Curry, J. W. Davis, Fletcher, Foreman, Garth, Gillam, Goodin, Hall, Hanserd, Hatcher, R. H. J. Holly, A. Holly, Humphreys, Inge, Irwin of Walker, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Murphy, Newman, Owen, Phillips, Pickett, Rhodes, Robinson, Sanford, Scott, St. John, Sterritt, Talbert, Watkins and Whitsitt.



Those who voted in the negative, are:

Messrs. Speaker, Belser, Bishop, Calhoun, Cochran, Cook, Comer, Findley, Gilbreath, Hays, Henry, Hill, Horn, Hubbard, Judge, Laughinghouse, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, Meek, Musgrove, Nelms, Odom, Reynolds, Shelly, Skelton, Thornton, Todd, Vest, Walker of Mobile, Weaver, Webb, Wills and Yelverton.

The following message was received from the Senate, by Mr. Nicholson:

Mr. Speaker: The Senate concurs in the amendment of the House to the resolution of the Senate proposing to adjourn *sine die* on the 13th instant.

And the House adjourned until to-morrow morning at 10 o'clock.

MONDAY, February 6, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Shelly for the balance of the week.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

Mr. Creagh moved that the House proceed to the consideration of the resolution offered by Mr. Percy Walker, proposing to alter the rules of the House so as to meet at 9 o'clock a. m., and 7 o'clock p. m. Carried.

Mr. Percy Walker moved to amend said resolution by striking out "Monday" and inserting "Tuesday." Adopted.

Mr. Judge moved to amend by striking out "7" and inserting "3." Adopted.

Mr. Judge moved to amend as follows:

*Resolved*, That on each alternate afternoon session, the first business in order shall be the consideration of bills on their second reading, until such shall have been disposed of; then engrossed bills until they are disposed of; and this rule shall not be altered or suspended without the concurrence of two thirds of the members present.

Said amendment was adopted.

Mr. Judge also offered the following amendment, which was adopted.

*Resolved further*, That this House will meet on Tuesday evening at 7 o'clock p. m.; on every alternate evening thereafter.

And the resolution as amended was adopted.

#### SPECIAL ORDER.

The hour of half-past 10 o'clock having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill to aid the Tennessee and Coosa Rail Road, the question being on ordering the engrossed rider to a second reading.



Mr. Yelverton moved to recommit the bill to the Committee on Internal Improvement.

Mr. Garth moved to lay the bill on the table, and the yeas and nays were demanded.

Lost—Yeas 36, nays 42.

Those who voted in the affirmative, are:

Messrs. Agee, Allen, Burnett, Camp, Calhoun, Carroll, Comer, Farrior, Garth, Gillam, Hanserd, R. H. J. Holly, Horn, Irwin of Walker, Johnson, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Odom, Payne, Pickett, Reynolds, Rutherford, Talbert, Thornton, Todd, Vest, Ward, Watkins, Whitsitt and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Alldredge, Bell, Belser, Bishop, Benners, Brown, Clifton, Cole, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox, Goodin, Hatcher, Hays, Henry, Humphreys, Inge, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Meek, Murphy, Newman, Owen, Rhodes, Sanford, Scott, St. John, Sterritt, Walker of Mobile, Webb, Willkins and Wills.

The question then recurred on the motion of Mr. Yelverton to re-commit the bill. Lost.

The question then recurred on ordering the engrossed rider to a second reading, and the same was lost, Mr. Fletcher voting in the negative.

Mr. Curry moved to amend the bill by way of engrossed rider; which was read.

Mr. Yelverton moved to amend said engrossed rider by striking out "fifty," where the same occurs in said amendment.

Said amendment was lost.

The said engrossed rider was then read the second and third times, and the question recurred on the passage of the bill.

Mr. Allen moved to amend the bill by way of engrossed rider; which was read the first time, and the House refused to order it to a third reading.

Mr. Belser moved to amend the said bill by way of engrossed rider, and the said engrossed rider was read the first and second times, and the yeas and nays were demanded on ordering the same to a third reading.

The said engrossed rider was ordered to a third reading—Yeas 52, nays 28.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Belser, Benners, Bishop, Calhoun, Clifton, Cole, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Foreman, Goodin, Green, Gilbreath, Hanserd, Hatcher, Hays, Hill, A. Holly, Horn, Inge, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Shelby, McBryde, McCall of Choctaw, Murphy, Nelms, Newell,

Owen, Payne, Pickett, Robinson, Rutherford, Sanford, Skelton, Sterritt, Talbert, Thornton, Todd, Walker of Mobile, Ward, Watkins, Whitsitt and Wills.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Brown, Camp, Carroll, Cochran, Fox, Fletcher, Garth, Gillam, Hall, Henry, R. H. J. Holly, Humphreys, Hubbard, Laughinghouse, Lawnece of Fayette, Lindsey, Musgrove, Newman, Odom, Reynolds, Rhodes, St. John, Vest and Wilkins.

The question then recurred on the passage of the bill, and the yeas and nays were demanded.

The said bill was passed—Yeas 40, nays 38.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Bishop, Clifton, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Foreman, Fletcher, Fox, Gilbreath, Goodin, Greene, Hall, Hatcher, Hill, A. Holly, Hubbard, Humphreys, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Murphy, Newman, Owen, Robinson, Sanford, Skelton, Sterritt, Todd, Walker of Mobile. Wilkins and Wills.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Benners, Brown, Camp, Carroll, Cochran, Comer, Gillam, Hanserd, Hays, Henry, R. H. J. Holly, Horn, Inge, Irwin of Walker, Johnson, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Rhodes, Rutherford, St. John, Talbert, Thornton, Vest, Watkins and Whitsitt.

Mr. Lawrence of Shelby moved to reconsider the vote taken on yesterday indefinitely postponing the further consideration of the bill for the relief of Sterling Bass, pending which,

The House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The following message was received from his excellency the Governor, by Mr. Whitfield, his private secretary:

EXECUTIVE OFFICE,

Montgomery, February 6th, 1854.

HON. WILLIAM GARRETT,

Speaker of the House of Representatives:

Sir—I return to the House of Representatives, the body in which it originated, a bill to be entitled an act to divorce certain persons therein named.

It seems from the main feature of the bill, that it was framed to conform to some constitutional provision necessary to be observed before the object designed to be effected could be consummated.

The words "in pursuance to a decree in chancery," &c., &c., are of frequent use and recurrence, which I am led to suppose refers to the thirteenth section, sixth article of the constitution of Alabama, in the words following, viz: "Divorces from the bonds of matrimony shall not be granted but in cases provided for by law, *by suit in chancery*, and no decree for such divorce shall have effect until the same be sanctioned by two-thirds of both houses of the general assembly.

It is not clear to my mind that the part of the bill included in the following words is in conformity with the constitutional provision, quoted, viz: "That Keziah Brazeil be divorced and freed from her matrimonial relations, which was solemnized and heretofore subsisted between her and William Braziel of the county of Fayette, and State of Alabama, and that said marriage be declared in all respects null, and that they each be allowed to marry again, and that no penalty shall attach to either therefor."

If the constitution requires of the other parties in the bill to seek a release from the bonds of matrimony by bill in chancery, and two thirds vote of the general assembly, I know of no rule or principle of construction of that instrument which would not apply to Keziah and William Brazeil.

It is a settled principle in the ethics of the christian world, except with the latter day saints, and a class designated as strong minded women, that it is contrary to good morals and public policy that any man should have at the same time more than one wife, or the women but one husband.

This bill permits the parties to contract in marriage again with others not having been divorced according to the forms of law.

The penal code of Alabama punishes by imprisonment in the penitentiary persons convicted of bigamy.

The legislative branch of the government has no power to relieve those charged or convicted of bigamy, and I hold that it follows that it has no more authority to grant to the parties intended to be relieved, a dispensation to commit the crime of bigamy, and other crimes incident thereto, than it would have to grant to the same persons, or others, a general permission to violate every law which has been enacted for the preservation of the public morals or safety of property or life. A power to relieve parties from the penalties of bigamy or murder before the act, has been vested by the people in convention assembled in one man. As I conceive the admission of such a principle would be destructive of the public morals, delusive to the parties intended to be benefitted, void in itself, I cannot approve the bill becoming a law.

JOHN A. WINSTON.

The House then proceeded to reconsider said bill, and the same was lost—Yeas 1, nays 72.

Mr. Laughinghouse voted in the affirmative, and

Those who voted in the negative, are :

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Greene, Henry, Hill, R. H. J. Holly, Hubbard, Inge, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrance of Shelby, Lindsey, McBryde, McCall of Choctaw, McCall of Barbour, Meek, Musgrove, Nelms, Newell, Newman, Odom, Owen, Payne, Phillips, Pickett, Reynolds, Robinson, Sanford, St. John, Sterritt, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Whitsitt and Wilkins.

Mr. Hubbard moved to reconsider the vote by which the House passed the bill to aid the Tennessee and Coosa Rail Road, and the yeas and nays were demanded.

Said motion was lost—Yeas 42, nays 44.

Those who voted in the affirmative, are :

Messrs. Abercrombie, Alldredge, Allen, Benners, Brown, Camp, Carroll, Cochran, Comer, Cook, Creagh, Garth, Gibson, Gillam, Hanserd, Hays, Henry, R. H. J. Holly, Hubbard, Inge, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Pickett, Reynolds, Rhodes, Robinson, St. John, Talbert, Thornton, Todd, Vest, Watkins, Webb and Whitsitt.

Those who voted in the negative, are :

Messrs. Speaker, Agee, Bell, Belser, Bishop, Burnett, Calhoun, Clifton, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Fox, Gilbreath, Greene, Hall, Hatcher, Hill, Humphreys, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Meek, Murphy, Newman, Owen, Payne, Sanford, Scott, Skelton, Sterritt, Walker of Lauderdale, Walker of Mobile, Ward, Wilkins, Wills and Yelverton.

Mr. Wilkins (with leave) introduced a bill to be entitled an act to incorporate the Hollywood House Company; which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House then proceeded to the consideration of the bill reported by the Committee on Education, entitled an act to establish and maintain a system of free public schools in Alabama, and, on motion,

The further consideration of the same was postponed until tomorrow morning at 10 o'clock.

Mr. L. P. Walker (with leave) introduced a bill to be entitled an act in aid of the Memphis and Charleston Rail Road Company; which was read the first and second times, under a suspension of the constitutional rule, and

On motion of Mr. Scott, the further consideration of said bill was postponed until Wednesday next, to be made the special order for the hour of 11 o'clock of that day.

Mr. Watkins, from the select committee composed of the delegation from the county of Franklin, reported adversely to the bill to repeal an act declaring Big Bear creek, in the county of Franklin, a navigable stream.

Mr. Carroll moved to lay said reeport on the table, and the motion prevailed.

The question then recurred on ordering the bill to be engrossed for a third reading on to-morrow, and the House refused to order said bill to be engrossed.

So the bill was lost.

Mr. Percy Walker moved to suspend all prior orders to resume the consideration of the reports of the Committee on Temperance.

Said motion was lost.

The House then resumed the consideration of the bill to divide the State of Alabama into seven congressional districts.

Mr. Scott moved to take from the orders of the day the Senate bill of the same title.

Said motion prevailed ; and

The said bill was read the first and second times, under a suspension of the constitutional rule.

Mr. Humphreys moved to amend said bill by striking out "Cherokee" and inserting "St. Clair," in the sixth congressional district, and to strike out "St. Clair" from the seventh district, and insert "Cherokee."

Mr. Foscue called for the previous question, and

The yeas and nays were demanded.

And the question, shall the main question be now put? was decided in the affirmative—Yeas 55, nays 29.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Bishop, Brown, Carroll, Clifton, Cochran, Cowan, Curry, Ervin of Wilcox, Farrior, Findley, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hanserd, Hatcher, Hill, R. H. J. Holly, Hubbard, Irwin of Walker, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, Murphy, Musgrove, Newman, Newell, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Watkins and Whitsitt.

Those who voted in the negative, are:

Messrs. Abercrombie, Belser, Benners, Burnett, Camp, Calhoun, Cole, Comer, Cook, J. W. Davis, W. P. Davis, Fletcher, Foreman, Hall, Hays, Henry, A. Holly, Humphreys, Inge, Judge, McCall of Choctaw, Nelms, Odom, Owen, Skelton, Walker of Mobile, Ward and Webb.

The question then recurred on ordering said bill to be engrossed.



The House then resumed the consideration of the bill reported by the Committee on the Judiciary, by way of substitute, to establish a fourth chancery division, and

On motion, the further consideration of said bill was postponed until half-past 9 o'clock, on Thursday next.

And the House then adjourned until to-morrow morning at nine o'clock.

TUESDAY, February 7, 1854.

The House met pursuant to adjournment.

The House concurs in the amendment of the Senate to the House bill,

To incorporate the Montgomery Gas Light Company ;

Also, in the amendment of the Senate to the House bill,

To incorporate the Alabama River Pilots' Association ;

Also, in the amendments of the Senate to the House bills.

To lay off Cherokee and Lauderdale counties into four commissioners' districts, and for other purposes therein mentioned ;

To authorize Lewis Gholson, administrator in right of his wife, to remove certain property to the county of Autauga :

For the relief of John G. Hall :

Requiring justices of the peace and constables in Lowndes county, in their respective beats, to act as apportioners and supervisors of roads, and for other purposes ;

In relation to the officers of the penitentiary ; and

Also, in the amendment of the Senate to the House bill

To protect the health of the towns of Geneva and Elba, in the county of Coffee.

The Senate bill for the relief of the Hon. D. G. Ligon, was read the first time, and under a suspension of the constitutional rule, was read the second time, and the yeas and nays were demanded on the passage of the bill, and

The same was lost—Yeas 37, nays 43.

Those who voted in the affirmative, are :

Messrs. Speaker, Bell, Belser, Bishop, Cole, Cook, Creagh, W. P. Davis, Foreman, Gibson, Gilbreath, Goodin, Greene, Hatcher, Henry, Hill, Horn, Humphreys, Inge, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Nelms, Odom, Owen, Pickett, Rhodes, Thornton, Vest, Walker of Mobile, Watkins, Webb, Whitsitt and Wills.

Those who voted in the negative, are :

Messrs. Alldredge, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foscue, Fox, Gillam, Hanserd, R. H. J. Holly, A. Holly, Laughinghouse, Lawrence of Fayette, McCall of Barbour, Meek, Murphy, Musgrove, Newell, Newman, Payne, Reynolds, Robinson, Rutherford, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Todd, Ward and Weaver.



The Senate bill

To incorporate the Selma Insurance and Trust Company, was read the first time, and under a suspension of the constitutional rule, was read the second and third times forthwith and passed.

The Senate bill

For the relief of the executor of Ezekiel Thomas, deceased, late of Cherokee county, was read the first time, and under a suspension of the constitutional rule, was read the second and third times forthwith and passed.

The Senate bill

To increase the compensation of the marshal of the supreme court of Alabama, was read the first time, and under a suspension of the constitutional rule, was read the second time, and the yeas and nays were demanded on the passage of the bill.

Said bill was passed—Yeas 42, nays 34.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Camp, Cochran, Cole, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Foscue, Gibson, Gilbreath, Goodin, Hatcher, Henry, Hill, A. Holly, Horn, Inge, Judge, Lindsey, McBryde, Meek, Nelms, Owen, Rhodes, Robinson, Rutherford, Skelton, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Weaver, Webb, Whittitt and Wills.

Those who voted in the negative are:

Messrs. Alldredge, Bishop, Burnett, Carroll, Clifton, Comer, Findley, Fletcher, Foreman, Fox, Garth, Gillam, Hanserd, R. H. J. Holly, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Newman, Odom, Payne, Reynolds, Sanford, Scott, St. John, Sterritt, Thornton, Todd and Vest.

Mr. Laughinghouse moved to reconsider the vote taken on refusing to pass the bill for the relief of David G. Ligon.

Mr. Curry moved to lay the motion to reconsider on the table, and the yeas and nays were demanded.

Lost—Yeas 39, nays 44.

Those who voted in the affirmative are:

Messrs. Alldredge, Burnett, Carroll, Clifton, Cochran, Comer, Cowan, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foscue, Fox, Gillam, Hall, Hanserd, R. H. J. Holly, A. Holly, Lawrence of Fayette, Meek, Murphy, Musgrove, Newell, Newman, Payne, Reynolds, Robinson, Rutherford, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Todd, Ward and Weaver.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Bell, Belser, Bishop, Brown, Camp, Cole, Cook, Creagh, W. P. Davis, Foreman, Garth, Gibson, Gilbreath, Goodin, Hatcher, Henry, Hill, Horn, Inge, Irwin of

Walker, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Nelms, Odom, Owen, Pickett, Rhodes, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Whitsitt, Wilkins and Wills.

The question then recurred on the motion to reconsider, and the yeas and nays were demanded.

Said motion prevailed.—Yeas 47, nays 39.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Bishop, Brown, Calhoun, Cole, Cook, Creagh, W. P. Davis, Foreman, Garth, Gibson, Gilbreath, Goodin, Greene, Hatcher, Henry, A. Holly, Horn, Humphreys, Inge, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Meek, Nelms, Odom, Owen, Pickett, Rhodes, Rutherford, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Whitsitt, Wilkins, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Alldredge, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cowan, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foscue, Fox, Gillam, Hall, Hanserd, R. H. J. Holly, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Murphy, Musgrove, Newell, Newman, Payne, Reynolds, Robinson, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Todd Ward and Weaver.

The question then recurred on the passage of the bill.

Mr. Skelton moved to amend said bill by way of engrossed rider.

The said rider was lost.

The question again recurred on the passage of the bill, and the yeas and nays were demanded.

Said bill was passed. Yeas 47, nays 38.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Bishop, Brown, Calhoun, Cole, Cook, Creagh, W. P. Davis, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hatcher, Henry, Hill, A. Holly, Horn, Inge, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Meek, Nelms, Odom, Owen, Pickett, Rutherford, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb, Whitsitt, Wilkins, Wills and Yelverton.

Those who voted in the negative are:

Messrs. Alldredge, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cowan, Curry, J. W. Davis, Farrior, Findley, Fletcher, Foscue, Fox, Hanserd, R. H. J. Holly, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Murphy, Musgrove, Newell, Newman, Payne, Reynolds, Robinson, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Todd and Weaver.

Mr. Meek moved to suspend all prior orders, in order to proceed to the consideration of the bill to establish and maintain a system of free public schools in Alabama, reported by the Committee on Education. Carried.

Mr. Percy Walker moved to amend said bill by way of substitute.

On motion of Mr. Cochran the House resolved itself into a committee of the whole house, to consider the above bill and amendment, (Mr. Cochran in the Chair.)

After some time spent in deliberation thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again to-morrow at 11 o'clock.

A message from his excellency, the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved the following bills, which originated in the House of Representatives:

An act to incorporate the village of Spring Hill in the county of Barbour, and for other purposes;

An act giving the court of probate jurisdiction to compel the administrator or executor of a deceased executor, administrator or guardian to settle the accounts of his testator or intestate, as the case may be;

An act to aid the Southern Military Academy of Chambers county, Alabama;

An act to compensate Jesse Comelander;

An act to provide a record of marks and brands for Washington county;

An act for the relief of the tax assessor of Randolph, Tallapoosa and Cherokee counties;

An act to incorporate the Glennville Rail Road Company;

An act to establish a medical board in the county of Russell;

An act to regulate the sale of real and personal property by executors and administrators;

An act to repeal part of an act to regulate the corporation of the town of Fayetteville, approved February 5, 1852;

An act to authorise the apportioners of the different districts of Pickens county to appoint overseers, and for other purposes therein named;

An act to amend an act incorporating the town of Tuskagee in Macon county;

An act to incorporate the Eufaula Insurance Company;

An act to make protests of notaries and other authorised persons evidence in certain cases;

An act to repeal in part an act to increase the pay of jurors in certain counties therein named, approved December 21, 1837;

An act to amend the 4th division of section 1738 of the Code of Alabama.

And the House adjourned until this evening, at 3 o'clock.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Pickett, with leave of the House, offered the following resolution, viz:

Whereas, the present legislature, (both houses concurring,) adjourned from the 20th of December to the 9th of January last, and thereby created a necessity for the members of the legislature either to remain at the capitol or to undergo considerable travel in going from and returning to the general assembly during the time of said adjournment;

And, whereas, doubts exist whether the members and officers of this house are entitled to any compensation for their services rendered in travelling or remaining at the capitol during such adjournment, therefore,

*Be it resolved by the House of Representatives,* That the judges of the supreme court be respectfully requested to take the subject under advisement, to render an opinion to the House determining, 1st, whether the members and officers of the House of Representatives are legally entitled to any compensation, under the circumstances, for services during such adjournment; and if so, 2d, whether the compensation of said members should be for services rendered in travelling to and from the general assembly, or for attendance thereon?

Mr. Hubbard offered the following resolution:

*Resolved;* That the members of the House are entitled to mileage during the recess, for going from and returning to the general assembly.

Mr. Hall moved to amend said resolution as follows:

*Resolved,* That the subject of pay and mileage of the members of the House from the 20th of December, 1853, to the 9th of January, 1854, be referred to the Committee on the Judiciary.

Said amendment was lost.

Mr. Bell then moved to postpone the further consideration of said resolutions until this evening at a quarter before 4 o'clock, and be made the special order for that time.

Said motion prevailed.

The House then resumed the consideration of the bill to aid the Mobile and Ohio Rail Road Company.

Mr. Bell moved to amend said bill by striking out "five," before hundred, in the first section, and insert "four."

Said amendment was adopted.

Mr. Bell then moved to amend said bill by striking out "eight per cent. per annum," and insert "six per cent. quarterly," and the yeas and nays were demanded.

Said amendment was adopted. Yeas 48, nays 28.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Agee, Bell, Belser, Bishop, Calhoun, Carroll, Cole, Cook, Creagh, Curry, J. W. Davis, Wm. P. Davis, Er-

vin of Wilcox, Findley, Fletcher, Foreman, Foscue, Greene, Hanserd, Henry, Hill, Humphreys, Hubbard, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, Meek, Murphy, Musgrove, Newman, Owen, Pickett, Robinson, Scott, Skelton, Sterritt, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Whitsitt, Wilkins and Wills.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Benners, Brown, Camp, Clifton, Farrior, Fox, Gibson, Gillam, Goodin, Hall, R. H. J. Holly, A. Holly, Inge, Laughinghouse, Lawrence of Fayette, McBryde, McCall of Choctaw, Newell, Odom, Payne, Reynolds, Rhodes, Sanford, St. John, Talbert, Vest and Yelverton.

The question then recurred on the adoption of the fourth amendment proposed by Mr. Bell, to wit:

SEC. 4. *And be it further enacted*, That before any money is furnished by the Governor, deeds securing re-payment shall be required of such rail road company and persons as may become responsible, conveying such securities to the State in trust, making the comptroller and state treasurer, under the direction of the Governor, trustees with power of sale within sixty days after such failure to pay; in the execution of which trust, one or both of said officers shall have power to act.

Said amendment was adopted.

Mr. Camp moved to amend said bill by extending its provisions to the North-east and South-west Rail Road. Lost.

Mr. Benners moved to amend said bill as follows, viz:

Provided, that in the payment of the debts which may be hereby contracted by said company, no funds shall be received by the State at less than par value.

The said amendment was adopted.

The question then recurred on the passage of the bill, and the yeas and nays were demanded.

The bill passed. Yeas 46, nays 35.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Bell, Belser, Benners, Bishop, Brown, Calhoun, Cole, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Greene, Henry, Hubbard, Humphreys, Inge, Johnson, Judge, Lawrence of Cherokee, Lawrence of Shelby, McBryde, Meek, Musgrove, Owen, Rutherford, Scott, Skelton, Sterritt, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Ward, Watkins, Whitsitt, Wilkins, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Alldredge, Carroll, Clifton, Camp, Cochran, Comer, Farrior, Fox, Gibson, Gillam, Goodin, Hall, Hanserd, Hill, R. H. J. Holly, A. Holly, Horn, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Murphy, Nelms, Newell, Newman, Odom, Payne, Pickett, Reynolds, Rhodes, Robinson, Sanford, St. John, Talbert, Vest and Webb.



Ordered, that said bill be sent forthwith to the Senate.

Mr. W. P. Davis moved to suspend all prior orders to proceed to the consideration of the bill to aid the Alabama and Tennessee Rivers Rail Road, and also, the bill to aid the Memphis and Charleston Rail Roads.

Said motion prevailed; and

The House proceeded to the consideration of the former.

Mr. Curry moved to amend by striking out "five," where it occurs, and inserting "six," and also, by striking out the words "payable in June and January," and inserting "payable quarterly."

Said amendments were adopted.

Mr. L. P. Walker then moved to amend said bill as follows:

*And be it further enacted,* That the sum of four hundred thousand dollars be, and the same is hereby loaned to the Memphis and Charleston Rail Road Company, out of any moneys in the treasury not otherwise appropriated, upon said company furnishing such security as is provided in the fourth section of an act entitled an act to aid the Mobile and Ohio Rail Road Company.

SEL. — *And be it further enacted,* That said company shall pay interest at the rate of six per cent. per annum, payable quarterly, at such times and places as shall be designated by the Governor.

SEC. — *And be it further enacted,* That such loan shall continue for the term of five years.

And pending the adoption of said amendment,

Mr. Yelverton moved to re-consider the vote by which the House concurred in the amendment of the Senate bill to protect the health of the towns of Geneva and Elba, in the county of Coffee.

The motion to reconsider prevailed.

Mr. Speaker, (Mr. Foscue in the chair,) moved to suspend the rule of the House requiring the House to meet at 7 o'clock, p. m.

Said motion prevailed.

And the House then adjourned untill to-morrow morning, 9 o'clock.

WEDNESDAY, February 8, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Wilkins indefinitely.

Senate bills:

To incorporate the town of Waterloo in the county of Lauderdale;

To incorporate the Belleville Male and Female Academy, and for other purposes;

To authorise the appointment of constables in certain cases;

To incorporate the Hydropathic Institute of Alabama;

Better to regulate the practise of medicine under the Botanic system in this State;



To establish a medical board in the county of Cherokee;  
 To pay Harrell Hobdy a certain sum of money;  
 To amend section 917 of the Code of Alabama, relative to pil-  
 lage;  
 To incorporate the "Grand Temple of Honor," of the State of  
 Alabama, and its subordinates;  
 To modify an act entitled an act to aid the Alabama and Mis-  
 sissippi River Rail Road Company;  
 To amend section 2029 of the Code;  
 To incorporate the Western Rail Road Company of Alabama;  
 For the relief of Daniel R. Loper of Montgomery county;  
 To incorporate the Alabama Coal Mining Company;  
 Constituting Seaborn W. and Samuel B. Harwell liners, &c.;  
 To compensate Erasmus N. Matthews, agent of the State of  
 Alabama, for locating certain lands, were severally read the first  
 time, and, under a suspension of the constitutional rule, was read  
 the second and third times forthwith and passed.

The Senate bills,

In regard to injunctions;

To authorize garnishments to be issued by justices of the peace;

To amend section 2677 of the Code in relation to the partition  
 of land, were severally read the first time, and, under a suspension  
 of the constitutional rule, was read the second time forthwith and  
 referred to the Committee on the Judiciary.

The Senate bill

To amend section 1805 of the Code in relation to annual settle-  
 ments, was read the first time, and under a suspension of the con-  
 stitutional rule, was read the second time forthwith.

Mr. Percy Walker moved to amend the said bill as follows:

*Provided*, That this act shall not apply to the counties of Mont-  
 gomery, Mobile, Sumter, Lowndes, Chambers and Franklin.

The said bill as amended was then read the third time and  
 passed.

The joint memorials and resolutions—

In regard to the public lands;

To the congress of the United States, were severally adopted.

#### SPECIAL ORDERS.

The hour of 11 o'clock having arrived, the House resumed the  
 consideration of the bill in aid of the Tennessee and Alabama  
 River Rail Road.

Mr. Judge moved to postpone the further consideration of the  
 said bill until Monday next. Carried.

On motion of Mr. Hall,

The House resolved itself into a committee of the whole House  
 to consider the bill to establish and maintain a system of free  
 public schools in Alabama, reported by the Committee on Educa-

tion, together with the amendment proposed by Mr. Percy Walker, (Mr. Cochran in the chair.)

After some time spent in deliberation thereon, the Committee rose, and through their chairman reported progress, and asked and obtain leave to sit again to-morrow morning at 10 o'clock.

Mr. Scott, from the Committee on Ways and Means, (with leave,) reported a bill to be entitled an act for the relief of Ezekiel F. Gore, late tax collector of Pickens county.

The said bill was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

The Senate bill

To authorize the Governor to issue a land patent to Alfred Griffin of Jefferson county, was read the third time and passed.

On motion of Mr. Burnett,

The Senate bill to repeal in part an act to make the county treasurer of Madison county and others, elective by the people, approved January 5, 1852, was read the third time and passed.

Mr. Meek, with leave, introduced a bill to be entitled an act to amend the school law of Mobile county; which was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Scott, with leave, presented the petition of Francis Renshaw and 700 others, against the removal of the county site of Jackson county; which was referred to the Committee on County Boundaries.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the Committee on Divorce and Alimony.

Mr. Pickett, with leave, presented the account of P. D. Roddey; which was referred to the Committee on Accounts and Claims;

Also, the account of P. D. Roddey; which was referred to the Committee on Banks and Banking.

The House then adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

On motion of Mr. Watkins,

The bill for the relief of James Williams was taken from the orders of the day and read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Henry moved that when the House adjourn, it meet again at 7 o'clock, p. m. Carried.

The bill to change the rate of interest in certain cases, was read the second time, and,

On motion of Mr. Wills, the said bill was ordered to lie upon the table.

The bill to exempt certain persons from the payment of taxes,

was read the second time and referred to the Committee on Ways and Means.

The bill for the relief of Alexander A. McCartney of Morgan county, was read the second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill

To amend sections 1744 and 1746 of the Code, was read the second time, and,

On motion of Mr. Yelverton, was ordered to lie upon the table.

The joint resolutions proposing amendments to the constitution of the State of Alabama, were read the second time, and,

On motion of Mr. Percy Walker, were ordered to lie upon the table.

The bill to prevent — from being subpoenaed out of their own counties, except in such cases as therein provided, was read the second time and ordered to lie on the table.

The bill

To define the line between DeKalb, Jackson and Marshall counties, was read the second time.

Mr. Gilbreath moved to refer said bill to the Committee on County Boundaries. Lost.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bill

To give the election of county treasurer of Chambers county to the people; and

The bill to provide for the payment of jurors in certain cases, were severally read the second and third times, under a suspension of the constitutional rule, and passed.

The bill

To be entitled an act to amend section 2291 of the Code, was read the second time.

Mr. Percy Walker moved to amend said bill as follows:

That section 2291 of the Code be and the same is hereby repealed.

Said amendment was lost.

The House then refused to order said bill to be engrossed.

So the same was lost.

The bill

To repeal the prohibition to sell spirituous liquors in the towns of Elyton and Auburn, within two miles, and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The bill

To compensate tax assessors, was read the second time.

Mr. Humphreys moved to amend said bill by exempting from its operations the counties of Madison, Marengo, Coosa and Coffee; and on motion of Mr. Creagh,

The further consideration of the said bill and amendment was indefinitely postponed.

The bill

To exempt the salaries of overseers, clerks, &c., from taxation, was read the second time and referred to the Committee on Ways and Means.

The bill

For the relief of L. B. Strange, was read the second time and referred to the Committee on Propositions and Grievances.

The bill

To authorize Mrs. Mary Marshall, executrix of Abram Marshall, deceased, to sell certain real estate therein named, was read the second and third times, under a suspension of the constitutional rule, and passed.

Joint resolutions proposing amendments to the constitution, so as to give justices of the peace original jurisdiction of assault and assaults and battery, were read the second time, and the yeas and nays were demanded on ordering said resolutions to be engrossed.

Said resolutions were so ordered.—Yeas 42, nays 36.

Those who voted in the affirmative, are :

Messrs. Speaker, Alldredge, Bell, Bishop, Camp, Carroll, Clifton, Cowan, Cook, Curry, W. P. Davis, Fletcher, Foreman, Gibson, Goodin, Hall, Hanserd, Henry, A. Holly, Horn, Hubbard, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Barbour, Musgrove, Newell, Newman, Payne, Pickett, Reynolds, Rhodes, Sanford, Scott, St. John, Thornton, Vest, Wills and Yelverton.

Those who voted in the negative, are :

Messrs. Abercrombie, Agee, Belser, Benners, Brown, Calhoun, Cochran, Cole, Comer, Creagh, J. W. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gilbreath, Gillam, Hill, Humphreys, Inge, Judge, Laughinghouse, Lindsey, McCall of Choctaw, Meek, Nelms, Odom, Owen, Sterritt, Talbert, Todd, Walker of Mobile, Ward, Watkins, Weaver and Whitsitt.

The bill

To continue a commissioner and trustee to close the remaining business of the Banks, and for other purposes, was read the second time and ordered lie on the table.

The bill

To furnish the probate judge of Coffee county with the Alabama Reports, was read the second time.

Mr. Foscue moved to amend said bill as follows :

*Provided*, That they shall not cost more than what the State sold them at when on hand.

Said amendment was adopted ; and

The said bill, as amended, was read the second and third times, under a suspension of the constitutional rule, and passed.

The bill

### The bills

To incorporate a cemetery company in the county of Mobile;

To amend the proceedings in the city court of Mobile; were severally read the second and third times, under a suspension of the constitutional rule, and passed.

### The bills

To exempt certain property therein named from execution, was read the second time, and referred to the Committee on the Judiciary.

To legalize a certain marriage therein named, and for other purposes, was read the second and third times, under a suspension of the constitutional rule, and passed.

### The bill

To revive the act incorporating the town of Warrenton, in Marshall county, was read the second and third times, under a suspension of the constitutional rule, and passed.

### The bill

To define the military beat lines in this State, was read the second time, and referred to the Committee on the Military.

A message from his excellency, the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved the following bills, which originated in the House of Representatives:

An act to regulate the harbor master and port wardens of the port of Mobile;

An act to repeal section 2461, and to amend sections 2464 and 2466 of the Code of Alabama;

An act for the relief of Leroy Napier;

An act for the relief of George S. Greene;

An act to amend sections 3047, 1186, 3046 and 3043 of the Code of Alabama, in their application to the county of Madison;

An act to extend the boundaries of the town of Decatur in Morgan county, and for other purposes;

Memorial of the legislature of Alabama on the subject of a mail route between Montevallo and Chattanooga;

An act to incorporate the Pinckneyville Academy;

An act to amend section 3440 of the Code of Alabama;

An act to amend the charter of the Gainesville Female Academy;

An act to incorporate the Beard's Bluff and Elyton Rail Road Company;

An act to regulate the circuit court of the county of Choctaw;

An act to provide for the re-survey of the town of Gainesville, in Butler county;

Joint resolutions on the subject of the boundary between the States of Alabama and Georgia;

An act to amend the law in relation to attachments against foreign corporations;

An act to establish a company beat with less than forty privates, in Blount county, and for other purposes;

An act for the purpose of establishing an election precinct in the county of Marion, and for other purposes;

An act to authorise the Bank of Mobile, the Southern and Northern Banks of Alabama to issue bills of less denomination than five dollars.

The bill

To repeal the license law, and to define the manner in which intoxicating drinks may be sold in Alabama, was read the second time, and referred to the Committee on Temperance.

Mr. Creagh moved to re-consider the vote just taken on referring said bill to the Committee on Temperance, and the yeas and nays were demanded.

Mr. Rhodes moved to postpone the further consideration of the vote to re-consider until Friday night next, at 9 o'clock.

Pending which, the House adjourned until 7 o'clock this evening.

#### NIGHT SESSION.

The House met pursuant to adjournment.

Mr. Pickett, with leave of the House, offered the following resolution :

*Resolved*, That the Committee on Federal Relations be instructed to inquire into what action, if any, should be taken by the general assembly in relation to the territorial question now under discussion in congress.

Said resolution was adopted.

Mr. Hall, with leave, presented the petition of Noah Weaver and others, to amend the Code, and repeal the act ordering executions in private; which was referred to the Committee on the Judiciary.

Also, the petition of J. P. Foreman; which was referred to the Committee on Divorce and Alimony.

The House concurred in the resolution of the Senate proposing to elect a chancellor for the northern chancery division, to fill the vacancy occasioned by the resignation of the Hon. E. D. Towns, on Thursday next, at 11 o'clock, a. m.

Mr. Davis of Bibb, with leave, presented the account of John Powell; which was referred to the Committee on Accounts and Claims;

Also, the account of John Powell; which was referred to the same committee.

Mr. Newman, with leave, introduced a bill to regulate the practice in justices' courts in the county of DeKalb;

Mr. Humphreys, with leave, introduced a bill to authorise the probate judge of Madison county to act as guardian in certain cases.

Mr. Ward, with leave, introduced a bill to be entitled an act for the relief of James Martin, tax collector of Dale county;



Mr. Speaker, (Mr. Hall in the chair,) introduced a bill to be entitled an act for the relief of William Connoway.

The said bills were severally read the first time, and the rule being suspended, were read the second and third times, and passed.

The Senate bill:

To amend the road laws in reference to Perry county, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

On motion of Mr. Percy Walker, the Senate bill further to amend the charter of the Mobile Navigation and Mutual Insurance Company, was taken from its order and read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Wills, (with leave,) from the Committee on County Boundaries, reported back the bill to declare Henry Criswell a liner between the counties of Talladega and Benton, and for other purposes.

Said bill was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Goodin, with leave, introduced a bill to be entitled an act to authorise the judge of the ninth judicial circuit to preside in his own circuit without interchanging with the other judges.

Said bill was read, and the House refused to order the same to a second reading; so the bill was lost.

Mr. Yelverton, (with leave,) from the Committee on Divorce and Alimony, reported a bill to divorce certain persons therein named; which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary:

EXECUTIVE DEPARTMENT,  
Montgomery, February 18, 1854.

Hon. WILLIAM GARRETT,

Speaker of the House of Representatives.:

Sir: I return to the House of Representatives, the body in which it originated, a bill for the relief of John Burton sr., of Walker county.

The bill proposes to pardon or relieve John Burton of Walker county, of a part of the punishment for a crime of which he has been convicted by a jury of his countrymen.

I have endeavored to show to the House of Representatives, that the constitution of the State, which I have sworn to support, has vested the power of pardoning offenders only in the executive department of the government, and that each department is expressly prohibited from the exercise of powers which have been delegated to another co-ordinate branch of the authority of the State.

If the legislative branch of the government has the power to relieve an offender of one part of the penalty which follows the conviction for a certain heinous offence, they have the control of the whole matter of pardon, and could as well release from the penitentiary at once; a power which has been supposed to belong to, and has been exercised by the executive only. As I take it for granted that the bill under consideration has been passed without special reference to any constitutional question, I again refer to the first and second sections of the second article of the constitution, and the eleventh section and fourth article. Many such bills have doubtless been passed, of a character similar to the one for the relief of John Burton, but it must be supposed that such bills have passed into laws more from a wish on the part of members of the legislature to do an act of mercy, than from a proper consideration of the policy of law, and an impression that the legislature was vested with such authority.

The party intended to be released was convicted of an assault to commit murder. I have had no showing made to me for his relief, and for the reasons here advanced, I am bound to decline giving my approval to the bill.

JOHN A. WINSTON.

On motion of Mr. Percy Walker, the further consideration of said message and bill was postponed until half after 7 o'clock, p. m., to-morrow.

The House then resumed the consideration of the motion made by Mr. Creagh to-day to re-consider the vote referring the bill to repeal the license law, and to define the manner in which intoxicating drinks may be sold in Alabama, to the Committee on Temperance.

The question being on the motion to postpone the further consideration of said motion, when said motion was, with leave, withdrawn by Mr. Rhodes.

The question then recurred on the motion to re-consider, and the yeas and nays were demanded.

The motion was lost—Yeas 32, nays 44.

Those who voted in the affirmative, are:

Messrs. Belser, Brown, Cochran, Comer, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Henry, Horn, Humphreys, Irwin of Walker, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Nelms, Owen, Payne, Pickett, Rutherford, Thornton, Walker of Mobile, Watkins, Whitsitt and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Benners, Bishop, Camp, Calhoun, Carroll, Clifton, Cole, Cowan, Cook, J. W. Davis, Findley, Fletcher, Foreman, Gibson, Gillam, Goodin, Hall, Hanserd, Hill, A. Holly, Hubbard, Inge, Lawrence of Fayette, Lindsey,

McBryde, Murphy, Musgrove, Newell, Odom, Reynolds, Rhodes, Robinson, Sanford, Skelton, St. John, Talbert, Todd, Ward, Webb and Wills.

On motion of Mr. Belser, the House then resumed the consideration of the reports made by the majority and minority of the Committee on Temperance, on the subject of imposing legal restrictions on the traffic in spirituous liquors.

Mr. Inge moved to postpone the farther consideration of said report until the 18th inst.

Mr. Belser called for a division of the question and the question was put on postponing the report of the minority.

Said motion prevailed—yeas 47, nays 32.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Benners, Bishop, Brown, Camp, Carroll, Clifton, Cole, Cowan, Cook, W. P. Davis, Findley, Fletcher, Foreman, Gibson, Gillam, Goodin, Greene, Hanserd, Hill, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, Murphy, Musgrove, Newell, Odom, Reynolds, Rhodes, Robinson, Sanford, Skelton, St. John, Talbert, Todd, Vest, Ward, Webb, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Belser, Calhoun, Cochran, Comer, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Hall, Henry, Horn, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Newman, Owen, Payne, Pickett, Rutherford, Sterritt, Thornton, Watkins and Whitsitt.

The question then recurred on the motion to postpone the report of the majority of the committee.

The reading of the petitions upon which the reports were predicated was called for.

Mr. Judge made the following point of order:

That as the committee to whom the petitions had been referred had not reported them back to the House with the reports, that they were consequently not in the possession of the House, and therefore the reading of the petitions would be out of order.

Said point of order was sustained by the chair; and from this decision, Mr. Humphreys appealed to the House, and the question "shall the decision of the chair stand as the decision of the House?" was decided in the affirmative.

Mr. Inge, with leave, then withdrew the motion to postpone the report of the majority.

Mr. Carroll renewed said motion, and the yeas and nays were demanded.

The motion was lost. Yeas 24, nays 50.

Those who voted in the affirmative are:

Messrs. Belser, Calhoun, Carroll, Creagh, Curry, J. W. Davis,

Ervin of Wilcox, Foscue, Fox, Hall, Henry, Hill, Johnson, Judge, McCall of Barbour, McCall of Choctaw, Nelms, Newman, Owen, Pickett, Rutherford, Sterritt, Thornton, Walker of Mobile and Whitsitt.

Those who voted in the negative are:

Messrs. Abercrombie, Agee, Alldredge, Bishop, Brown, Benners, Camp, Clifton, Cochran, Cole, Comer, Cowan, Cook, W. P. Davis, Findley, Fletcher, Foreman, Gibson, Goodin, Greene, Gillam, Hanserd, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, Murphy, Musgrove, Newell, Odom, Reynolds, Rhodes, Robinson, Sanford, Skelton, St. John, Talbert, Todd, Vest, Ward, Watkins, Webb, Wills and Yelverton.

The question then recurred on concurring in said report.

Mr. Rhodes then moved to lay said report on the table.

Said motion was lost.

The question recurred on concurring in the report, and a division of the question was called for.

Mr. Lindsey made a point of order, that it is not in order to divide a report made by a committee, as it was not susceptible of a division consistently with the sense of the report.

Said point was overruled by Mr. Speaker.

Mr. W. P. Davis then moved the previous question, and the question, "shall the main question be now put?" was sustained.

The question recurred again on concurring in said report, and the yeas and nays were demanded.

Said report was concurred in—Yeas 49, nays 21.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Benners, Bishop, Brown, Camp, Calhoun, Clifton, Cole, Cowan, Cook, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Foscue, Gibson, Gillam, Goodin, Green, Hanserd, Hill, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, Murphy, Musgrove, Newman, Odom, Reynolds, Rhodes, Robinson, Sanford, Skelton, St. John, Talbert, Todd, Vest, Ward, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Belser, Carroll, Curry, Hall, Henry, Humphreys, Judge, Johnson, Lawrence of Shelby, McCall of Barbour, McCall of Choctaw, Nelms, Owen, Payne, Pickett, Rutherford, Sterritt, Thornton, Walker of Mobile, Watkins and Whitsitt.

The House then adjourned until to-morrow morning at 10 o'clock.

THURSDAY, February 9, 1854.

The House met pursuant to adjournment.

Mr. Judge, (with leave) from the Committee on Internal Im-

provements, reported back the bill to incorporate the Georgia, Alabama and Memphis Rail Road Company, amended.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, (with leave) from the Committee on Internal Improvement, reported back the bill to incorporate the North Alabama and Grand Junction Rail Road Company, and the same was read the third time and passed.

Mr. Alldredge (with leave) offered the following resolution; which was adopted:

*Resolved*, That the Committee on Public Printing be instructed to inquire into the rates of charges made the present session for the public printing—the rates of charges made for the service under the present law at former sessions of the general assembly—what amount the public printing of the present session will cost the State, and what amount it cost the State for the same service under the present law, at former sessions of the general assembly, and whether or not there is any increase in the rate of charges for the said service the present session, over the rate of charges at former sessions under the same; and if there be, that they report the cause of such increase, and that said committee report to this house at as early a period as practicable.

Mr. L. P. Walker (with leave) offered the following resolution; which was adopted:

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of compensating the "Advertiser & Gazette," and the "Alabama Journal" for the accurate reports made by them of the legislative proceedings of the House, and to report a bill for that purpose should the same be deemed proper.

Mr. Payne introduced a bill to be entitled an act to authorize the Governor to issue a patent for certain school lands therein named, and the same was read the first, second and third times, under a suspension of the constitutional rule, and passed;

Also, a bill to be entitled an act to alter and amend section 998 of the Code of Alabama.

Said bill was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Hubbard, from the select committee of five, to whom was referred the bill to authorize the exchange of the bills of the State Bank and its Branches over five dollars in amount in circulation for the bills under five dollars in amount in the State treasury, reported the same back without amendment, and the same was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Lawrence of Fayette (with leave) introduced a bill for the relief of Keziah Braziel; which was read.

Mr. Percy Walker moved to lay said bill on the table.

Lost, and the bill was ordered to a second reading.

Mr. Pickett (with leave) introduced a bill to be entitled an act for the relief of the securities of John S. Blizzard, late tax collector of Lawrence county; which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The hour of 10 o'clock having arrived, the House resumed the consideration of the bill to aid the Tennessee and Alabama Rail Road Company, the question being on the amendment proposed by Mr. L. P. Walker, when the same was withdrawn by Mr. Walker.

Mr. Judge moved to amend the bill; pending which the House, on motion of Mr. Yelverton, resolved itself into a committee of the whole House, to consider of the bill to establish and maintain a system of free public schools in Alabama, reported by the Committee on Education.

Mr. Cochran in the chair, after some time spent in deliberation the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again this morning at half-past 11 o'clock.

Mr. Speaker laid before the House a communication from the comptroller of public accounts on the subject of the public printing; which, on motion of Mr. Pickett, was referred to the Committee on Public Printing.

The House then took an informal recess until five minutes before 11 o'clock a. m.

Mr. Jay presented the account of W. M. Stallworth; which was referred to the Committee on Accounts and Claims.

Mr. Hays introduced a bill to be entitled an act to provide for the removal and location of the court house in the county of Henry; which was read, and the constitutional rule being suspended, the same was read the second time and ordered to be engrossed for a third reading.

The hour of 11 o'clock having arrived, the Senate appeared by invitation in the hall of the House of Representatives, and the two houses in convention proceeded to the election of a chancellor for the northern chancery division of Alabama to fill the vacancy occasioned by the resignation of the Hon. E. D. Towns. The names of Messrs. Lewis Wyeth, Lemuel Cook, A. J. Walker and J. D. Cabiness being in nomination.

#### FIRST BALLOT.

Those who voted for Mr Cook, are:

Messrs. Hewlett, E. P. Jones, H. C. Jones and Malone, of the Senate; and Messrs. Allen, Burnett, Carroll, Hanserd, Hubbard, Irwin of Walker, Lawrence of Fayette, Lindsey, Musgrove, Pickett, Reynolds, Rhodes, Vest and Watkins of the House—18.

Those who voted for Mr. Wyeth, are:

Messrs. Blake, Brindley, Frazier, Lamar, Lee and Woodward



of the Senate; and Messrs. Alldredge, Camp, Fletcher, Gilbreath, Henry, A. Holly, Humphreys, Johnson, Murphy, Newman, Odom and St. John of the House—18.

Those who voted for Mr. Walker, are:

Messrs. President, Bethea, Bradford, Clanton, Gay, Hendricks, Hobdy, Kelly, Powell and Searcy of the Senate; and Messrs. Speaker, Agee, Bell, Belser, Bishop, Clifton, Cochran, Cook, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Foreman, Foscue, Fox, Goodin, Hall, Hays, R. H. J. Holly, Judge, Lawrence of Cherokee, Lawrence of Shelby, McBryde, Meek, Newell, Owen, Payne, Robinson, Rutherford, Sanford, Skelton, Sterritt, Talbert, Thornton, Weaver, Whitsitt, Wills and Yelverton of the House—50.

Those who voted for Mr. Cabiness, are:

Messrs. Acklen, Ashley, Baker, Cocke, Crenshaw, Jemison, Kimball, McLemore, Patton, Peterson, Watts and Webb of the Senate; and Messrs. Abercrombie, Benners, Brown, Calhoun, Cole, Comer, Cowan, Creagh, Garth, Gillam, Greene, Hill, Horn, Inge, Jay, Laughinghouse, McCall of Barbour, McCall of Choctaw, Nelms, Scott, Todd, Walker of Lauderdale, Walker of Mobile and Webb of the House—36.

#### SECOND BALLOT.

Those who voted for Mr. Wyeth, are:

Messrs. Brindley, Frazier, Lamar and Lee of the Senate; and Messrs. Alldredge, Camp, Fletcher, Gilbreath, Henry, A. Holly, Humphreys, Johnson, Murphy, Newman, Odom and St. John of the House—16.

Those who voted for Mr. Walker, are:

Messrs. President, Bethea, Blake, Bradford, Clanton, Gay, Hendricks, Hobdy, Kelly, Powell, Searcy and Woodward of the Senate; and Messrs. Speaker, Agee, Bell, Belser, Bishop, Burnett, Clifton, Cochran, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foreman, Foscue, Fox, Gibson, Goodin, Hall, R. H. J. Holly, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Shelby, McBryde, Meek, Musgrove, Newell, Owen, Payne, Reynolds, Robinson, Rutherford, Sanford, Skelton, Sterritt, Talbert, Thornton, Weaver, Whitsitt, Wills and Yelverton of the House—56.

Those who voted for Mr. Cabiness, are:

Messrs. Acklen, Ashley, Baker, Cocke, Crenshaw, Jemison, Kimball, McLemore, Patton, Peterson, Watts and Webb of the Senate; and Messrs. Abercrombie, Benners, Brown, Calhoun, Cole, Comer, Cowan, Creagh, Garth, Gillam, Greene, Hays, Hill, Horn, Inge, Jay, Laughinghouse, McCall of Barbour, McCall of Choctaw, Nelms, Pickett, Scott, Todd, Walker of Lauderdale, Walker of Mobile and Webb of the House—38.

## THIRD BALLOT.

Those who voted for Mr. Wyeth, are:

Messrs. Frazier and Lamar of the Senate; and Messrs. Alldredge, Fletcher, Gilbreath, St. John and Vest of the House—7.

Those who voted for Mr. Walker, are:

Messrs. President, Bethea, Blake, Bradford, Brindley, Clanton, Gay, Hendricks, Hobdy, E. P. Jones, H. C. Jones, Kelly, Powell, Searcy and Woodward of the Senate; and Messrs. Speaker, Agee, Bell, Belser, Bishop, Burnett, Camp, Carroll, Clifton, Cochran, Cook, Carry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foreman, Foscue, Fox, Gibson, Gillam, Goodin, Hall, Hanserd, Hays, Hill, R. H. J. Holly, Hubbard, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, McBryde, Meek, Murphy, Musgrove, Newell, Newman, Owen, Payne, Reynolds, Robinson, Rutherford, Sanford, Skelton, Sterritt, Talbert, Thornton, Todd, Weaver, Whitsitt, Wills and Yelverton of the House—70.

Those who voted for Mr. Cabiness, are:

Messrs. Ashley, Baker, Cocke, Crenshaw, Hewlett, Jemison, Kimball, Lee, Malone, McLemore, Patton, Peterson, Watts and Webb of the Senate; and Messrs. Abercrombie, Allen, Benners, Brown, Calhoun, Cole, Comer, Cowan, Creagh, Garth, Greene, Henry, A. Holly, Horn, Judge, Jay, Laughinghouse, Lindsey, McCall of Barbour, McCall of Choctaw, Nelms, Odom, Pickett, Rhodes, Scott, Walker of Lauderdale, Walker of Mobile, Watkins and Webb of the House—44.

Mr. Walker having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected chancellor of the northern chancery division for the term prescribed by the constitution.

The Senate withdrew to its chamber.

Mr. L. P. Walker (with leave) offered the following resolution; which was adopted:

*Resolved*, That the Committee on the Judiciary be instructed to report some remedy for the defects in the constitution with reference to the offices of state treasurer and comptroller.

Mr. Percy Walker moved that the rule requiring the House to meet again this evening at 7 o'clock be suspended with a view of meeting at that hour to-morrow night. Carried.

On motion, the House then resolved itself into a committee of the whole House to consider of the bill to establish and maintain a system of free public schools, reported by the Committee on Education.

Mr. Cochran in the chair, after some time spent in deliberation thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The House then adjourned until this evening, at 3 o'clock.

## AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Comer, from the Committee on Propositions and Grievances, reported back the bill for the relief of certain persons therein named, amended.

Said amendment was adopted, and the bill as amended was ordered to be engrossed for a third reading on to-morrow.

Mr. Comer, from the same committee, reported back the bill for the relief of the widow of Wm. McGuire, deceased.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Fletcher, from the Committee on County Boundaries, to whom was referred the petition of sundry citizens of Pickens county, praying to be made citizens of Greene county, reported adversely thereto.

Said report was concurred in.

Mr. Fletcher, from the same committee, reported adversely to the petition of sundry citizens of Lowndes county, praying to be made citizens of Pike county.

Said report was concurred in.

Mr. Fletcher, from the same committee, to whom was referred the petition of sundry citizens of Baldwin county, praying that Turkey creek, in said county, be declared a public highway, reported the same back and recommended its reference to the Committee on Internal Improvement.

Said report was concurred in, and the petition accordingly referred.

Mr. Fletcher, from the same committee, to whom was referred the petition of sundry citizens of Jackson county, praying the passage of a law for the removal of the county site of said county; also, an adverse majority petition, reported adversely thereto.

Said report was concurred in.

Mr. Fletcher, from the same committee, to whom was referred joint resolutions proposing to amend the constitution as to the extent of counties, reported the same back and recommended its reference to the Committee on the Judiciary.

Said report and bill were ordered to lie upon the table.

Mr. Fletcher, from the select committee to whom was referred the bill to require the county treasurer of Marshall county to pay claims against said county according to priority, reported the same back without amendment, and the said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Fletcher, from the Committee on County Boundaries, to whom was referred the petition of sundry citizens of Shelby county, praying to be made citizens of Jefferson county, reported adversely thereto.

Said report was concurred in.

On motion of Mr. Benners, the bill to provide for the extension of the debts due the sixteenth sections, together with the amendments thereto, reported by the Committee on Sixteenth Section Funds, was taken from the table, and the question recurred on the adoption of said amendment.

Mr. Meek moved to lay said bill and amendment on the table. Lost—Yeas 33, nays 48.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Bishop, Carroll, Cowan, J. W. Davis, Farrior, Fletcher, Foreman, Fox, Garth, Hanserd, Jay, Johnson, Judge, Lindsey, Meek, Murphy, Pickett, Robinson, Scott, St. John, Sterritt, Thornton, Todd, Vest, Walker of Mobile, and Yelverton.

Those who voted in the negative, are:

Messrs. Abercrombie, Belser, Benners, Brown, Burnett, Calhoun, Clifton, Cole, Comer, Cook, Curry, Ervin of Wilcox, Findley, Foscue, Gibson, Gillam, Goodin, Hall, Hays, Henry, R. H. J. Holly, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Newell, Newman, Payne, Reynolds, Rhodes, Rutherford, Sanford, Skelton, Talbert, Walker of Lauderdale, Watkins, Weaver, Whitsitt and Wills.

Mr. Hall moved to amend said amendment by striking out the fifth section of the same.

Mr. Cochran moved to postpone the further consideration of said bill and amendment until Monday next.

The motion prevailed.—Yeas 51, nays 30.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cook, Creagh, J. W. Davis, Farrior, Fletcher, Foreman, Fox, Garth, Goodin, Hanserd, Hays, Henry, Hill, Hubbard, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Fayette, McCall of Barbour, Meek, Murphy, Musgrove, Nelms, Newell, Odom, Pickett, Reynolds, Robinson, Sanford, Scott, St. John, Sterritt, Thornton, Todd, Vest, Walker of Mobile and Yelverton.

Those who voted in the negative are:

Messrs. Abercrombie, Belser, Benners, Calhoun, Cole, Curry, Ervin of Wilcox, Findley, Foscue, Gibson, Gillam, Hall, R. H. J. Holly, A. Holly, Humphreys, Inge, Laughinghouse, Lawrence of Cherokee, McBryde, McCall of Choctaw, Newman, Rhodes, Rutherford, Skelton, Talbert, Watkins, Weaver, Webb, Whitsitt and Wills.

Mr. Whitsitt, from the Committee on Sixteenth Sections, reported adversely to the petition of the citizens of township 8, of range 21.

Said report was concurred in.

Mr. Lawrence of Cherokee, from the select committee consisting of the delegations from the counties of DeKalb and Cherokee, reported adversely to the bill for the relief of certain citizens of Cherokee county.

On motion of Mr. Newman, said report was ordered to lie on the table.

The question then recurred on ordering said bill to a third reading on to-morrow, and the House refused so to order it.—  
Yeas 25, nays 40.

Those who voted in the affirmative are:

Messrs. Burnett, Cole, J. W. Davis, Fletcher, Foscue, Fox, Hall, Hanserd, Henry, Hill, Horn, Hubbard, Johnson, Laughinghouse, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Reynolds, Rhodes, Skelton, Weaver, Whitsitt and Yelverton.

Those who voted in the negative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Belser, Beners, Bishop, Brown, Calhoun, Clifton, Comer, Cook, Creagh, Curry, Ervin of Wilcox, Gibson, Gillam, Goodin, Hays, R. H. J. Holly, Humphreys, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Meek, Nelms, Odom, Payne, Pickett, Robinson, Sanford, Scott, Sterritt, Talbert, Todd, Vest and Wills.

Mr. Whitsitt, from the Committee on Sixteenth Sections, reported a substitute for the bill entitled an act to ascertain the value of certain sixteenth sections in this State.

Said substitute was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the Committee on Sixteenth Sections, to whom was referred a bill to be entitled an act authorizing the trustees of section 16, township 15, range 27, to retain the money belonging to said township, reported adversely thereto.

Said report was concurred in.

Mr. Curry then moved that the report from the Committee on Sixteenth Sections be suspended, with leave to report again on Tuesday next.

Said motion prevailed.

Mr. Agee submitted the following report:

The Committee on the University, to whom was referred so much of the Governor's message as relates to the University, and also the report of the board of trustees, have had the same under consideration, and instruct me to make the following

#### REPORT:

By an act of Congress, passed March 2nd, 1819, for the admission of Alabama into the Union, seventy two sections of land,

or two townships were set apart for the use of a seminary of learning, and vested in the legislature, to be appropriated solely to its use. The convention which framed the constitution of Alabama accepted the proposition, and assumed the trust. The legislature, acting in its fiduciary capacity, sold the lands and converted their proceeds into the capital of the Bank of the State of Alabama, whereby the State became indebted to the University for a large amount. The University also became largely indebted to the Bank.

By an act of the legislature, passed February 21, 1848, the subsisting debts between the State and University were adjusted by an equitable compromise. The mutual debts were liquidated, and the sum of two hundred and fifty thousand dollars recognized and declared to be the amount of the University fund, for the permanent security of which, and the punctual payment of the interest thereon forever, at the rate of six per cent. per annum, the faith and credit of the State of Alabama is solemnly pledged. The income of the University from this source is fifteen thousand dollars annually, besides some inconsiderable amount arising from the sale of lands hitherto undisposed of.

The University was established in 1820, but was not organised till 1831. In the year 1832 there was but a single graduate. The alumni of the institution now number 240, or an average of 11 graduates annually since its organization. During this period the University has encountered many obstacles, and undergone various mutations of fortune. Long under the law of popular prejudice, and often under that of legislative indifference, it has outrode the storm, and is rapidly obtaining that hold on the affections of the people which a State University should be entitled to. One great impediment to the prosperity of the institution was, and is, that no body cared for it, because no body has ever given any thing to it. Our zeal and efforts are always stimulated in behalf of those objects which have enlisted our munificence or charity, and generally in proportion to the aid bestowed. Neither the State nor the people will ever feel or manifest the proper degree of interest in the University till they become generous towards it—make it their beneficiary—their child.

The report of the board of trustees and the recent catalogue of the University show the gratifying fact that the number of its students for the last two years far exceeds that of preceding years, and that it is in a more prosperous condition than ever before.

Your committee is of opinion, that a comparison of the course of study prescribed in this institution with that of the best colleges in the Union, shows that the standard of application and grade of scholarship are as high there as in any, and higher than in most, and that the facilities there presented for obtaining a finished collegiate education contrast favorably with the most popular colleges.



The statistics of the University show that two thirds of the young men who begin a collegiate course there, will not bear the severe discipline and application necessary to its completion. No graduating class ever contains more than one third of those who had at different periods belonged to it. Yale College graduates two thirds of all that enter—the University of Alabama but one third.

Under long standing arrangements, one student from each county had the privilege of receiving an education free of tuition fees and college charges. An average of about 15 a year have availed themselves of this bounty, and have been among the best scholars, the first honors having been frequently awarded them. The board of trustees at its recent meeting, with laudable liberality extended similar provisions to all candidates for the christian ministry. No doubt they would gladly abolish tuition fees entirely, and make instruction there absolutely and universally free to every young man in the State. This object is very desirable, as it would vastly extend the usefulness of the institution; but the limited means at their disposal prevent the establishment of so commendable and praiseworthy a policy.

One of the greatest benefits conferred by the University, is a diffusion and dissemination of teachers throughout the State—moral, educated men, qualified to train up properly the sons and daughters of our citizens. It is supplying a vacuum long existing, a desideratum long felt, viz: the want of southern teachers. The committee is informed that about half of the graduates devote themselves to teaching; and a large proportion of each class become engaged in that profession for a few years. The faculty have more applications to recommend teachers than they can supply. The people are evincing a proper degree of State pride and a just appreciation of the native ore, with which our State abounds by encouraging young men at remunerative prices to embark in this business, so long underrated. They feel that they have been too long in a state of literary vassalage, and now seem determined to vindicate their independence by repudiating Northern emissaries, and employing tutors and instructors thoroughly identified with us in interest, and acquainted with our social manners and wants.

In fine, the University of Alabama, under the auspices of its present able and efficient faculty, bids fair to assume that position and rank among seminaries of learning which Congress, by its liberal endowments designed it to occupy, and its merits entitle it to.

Our young men need no longer seek abroad that which can be so easily obtained at home. The sphere of its usefulness is extending every day. It sends forth annually into the world a number of educated men, calculated to become useful members of society. Some engaged in the honorable and lucrative but la-

borious profession of teaching, others battle for supremacy in the various learned professions. Some of her alumni have distinguished themselves in the republic of letters, some have acquired fame in the councils of the nation; while others have wooed and won the smiles of the muse—all reflecting honor on the institution which have honored them.

Let the trustees pursue the wise and enlightened policy they have adopted; let the faculty persevere in their patriotic and disinterested efforts to promote the cause of education and knowledge, and they will be entitled to the gratitude of posterity.—They will have achieved a victory more brilliant than military hero ever gained on the field of sanguinary strife, a triumph more glorious than Greece or Rome ever witnessed—a victory without bloodshed—a triumph over ignorance, envy and prejudice.

The legislature at its session of 1851–52 donated the State Capitol at Tuscaloosa to the University for certain specific objects and purposes. The board of trustees in their biennial report to the present legislature, say that it is in such a dilapidated condition as to be unfit for use, without more expensive repairs than the funds of the University would justify, and they respectfully ask of the legislature to revoke the conditions of the grant. The committee therefore recommend to your body a revocation of the restrictions imposed by said grant, and to make the donation free from all conditions. They have accordingly prepared the accompanying bill, and recommend its passage.

Mr. Agee, from said committee, reported a bill to repeal an act to make a donation of the State capitol at Tuscaloosa, and

On motion of Mr. Brown, said bill and report were ordered to lie on the table.

Mr. J. W. Davis, from the Committee on Accounts and Claims, reported back the Senate bill for the payment of certain claims against the State.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. J. W. Davis, from the same committee, reported adversely to the account of S. R. Rabun and others against the State of Alabama. The report was concurred in.

Mr. Burnett, from the Committee on Accounts and Claims, reported adversely to the account of William P. Pettus, sheriff of Lauderdale county. Said report was concurred in.

Mr. Alldredge, from the same committee, to whom was referred sundry accounts and claims, reported back a bill for the payment of certain claims against the State.

Said bill was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Alldredge, from the same committee, to whom was referred the account of John B. Cook, jailor of Jackson county, reported back a bill for the payment of said Cook.

Said bill was read the first time, and the constitutional rule

being suspended, the same was read the second and third times forthwith and passed.

Mr. J. W. Davis, from the same committee, reported adversely to the account of N. W. Riddle;

Also, to the claim of Samuel Devaughn of Chambers county.

Said reports were severally concurred in.

Mr. Scott, from the Committee on Ways and Means, to whom was referred the resolution instructing said committee to prepare and report a bill to reduce the taxes of the State, together with the substitute inquiring the propriety of making sale of the several banking houses of the State, applying the proceeds to the extinguishment of the State debt, and levy no more tax than in the opinion of the committee would be sufficient to pay the State debt, &c.

Mr. Hubbard, from the minority of said committee, submitted a report and bill to be entitled an act to tax slave property according to value.

Mr. Hubbard then moved to lay the majority report on the table.

Mr. Hall moved to lay the whole subject on the table.

Mr. Yelverton moved to postpone the further consideration of the said bill and reports until Monday next, at 3 o'clock, p. m., and to be made the special order for that hour.

Said motion prevailed.

Mr. Creagh, from the Committee on Ways and Means, to whom was referred the report of the trustees of the Insane Hospital, reported a bill in relation to the Alabama Insane Hospital.

Said bill was read; and

On motion, the further consideration of said bill was postponed until Monday next, at 12 o'clock, and to be made the special order for that hour.

Mr. Bell, from the Committee on Ways and Means, to whom was referred the bill for the relief of J. H. Daughdrill, tax collector of Mobile county, reported the same back amended.

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Hubbard,

The bill to incorporate the Courtland Masonic Institute, was taken from the table and read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hall, from the Committee on Ways and Means, to whom was referred the petition to allow Robert Chandler to peddle without license, reported back a bill for the relief of Robert Chandler of Marshall county.

Said bill was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Hall, from the Committee on Ways and Means, submitted

a report to take from the orders the bill to change the time and order of collecting the taxes;

And also submitted amendments to said bill.

The House concurred in said report, and proceeded to consider said bill; and, pending the adoption of said amendments,

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY, February 10, 1854.

The House met pursuant to adjournment.

Mr. Percy Walker, from the Committee on the Judiciary, to whom was referred the bill to amend section 2475, to repeal section 2420 of the Code, and to regulate the limitations of judgments, &c., reported a substitute therefor.

Said substitute was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Cochran, (with leave,) from the Committee on the Judiciary, to whom was referred the following bills:

For the relief of a certain person therein named, (John B. Taylor);

To make the order of business in the circuit courts discretionary with the judges;

To authorize the appointment of auctioners; reported adversely to each of said bills.

The reports were concurred in.

Mr. Cochran, from the same committee, reported adversely to the bill to regulate criminal proceedings.

Mr. Camp moved to lay said report on the table. Carried.

The question then recurred on ordering said bill to a third reading.

The House refused so to order it.

So the bill was lost—Yeas 29, nays 45.

Those who voted in the affirmative, are:

Messrs. Camp, Clifton, Cook, J. W. Davis, Findley, Gillam, Goodin, Hall, Henry, A. Holly, Horn, Hubbard, Jay, Johnson, Lawrence of Cherokee, Lawrence of Shelby, Lindsey, Nelms, Newell, Odom, Reynolds, Robinson, Rutherford, Sanford, St. John, Todd, Walker of Mobile, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Allen, Belser, Benners, Bishop, Brown, Burnett, Calhoun, Cochran, Comer, Cowan, Curry, W. P. Davis, Farrior, Fletcher, Foscue, Fox, Gibson, Hanserd, Hill, R. H. J. Holly, Humphreys, Inge, Judge, Laughinghouse, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Newman, Owen, Payne, Pickett, Rhodes, Scott, Skelton, Sterritt, Talbert, Vest, Webb and Whatsitt.

Mr. Cochran, from the same committee, reported adversely to

the bill to change the time of summoning witnesses in criminal cases, &c.; also, to the bill

To amend section 3243 of the Code.

Said reports were severally concurred in.

Mr. Cochran, from the same committee, reported adversely to the bill to amend the law in relation to the change of venue in contested wills.

Mr. Humphreys moved to lay said report on the table; carried.

The question then recurred on the passage of said bill, and the same was read the third time, under a suspension of the constitutional rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Cochran, (with leave,) from the same committee, to whom was referred a bill to be entitled an act to provide for the settlement of the trust estate of Martha B. Thomas, and for other purposes, reported back the same amended.

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Cochran, (with leave) from the same committee, reported back the bill to compensate Samuel F. Rice and Abram Martin, Esqs., for professional services rendered for the State of Alabama, without amendment.

Mr. Creagh moved to amend said bill by striking out "one thousand" and inserting "five hundred" in lieu thereof.

Mr. Agee moved a division of the question; and

The question was first taken on striking out "one thousand," and carried.

Mr. Agee then moved that the said blank be filled with "725."  
Lost.

Mr. Yelverton moved to fill the blank with "five hundred."  
Lost.

Mr. Rhodes, who had voted in the affirmative, moved to reconsider the vote taken on striking out "one thousand."

Said motion was lost.

Mr. Rhodes moved to fill the blank with "\$675."

Mr. Judge moved to lay the bill upon the table.

Said motion prevailed.

On motion of Mr. Meek,

The House then resolved itself into a committee of the whole house, to consider of the bill to establish and maintain a system of free public schools in Alabama, (Mr. Cochran in the Chair.)

After some time spent in deliberation thereon, the committee rose, and reported back, through their chairman, the bill with amendments.

Said amendments were adopted.

Mr. Watkins moved to amend the bill as follows:

Holly, Humphreys, Inge, Laughinghouse, Lawrence of Cherokee, Payne, Rhodes, Rutherford, Scott, Skelton, Watkins and Whitsitt.

Those who voted in the negative, are :

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Belser, Bishop, Burnett, Camp, Clifton, Comer, Cowan, Cook, Ervin of Wilcox, Fletcher, Foreman, Fox, Hanserd, Hays, Henry, Hill, Horn, Hubbard, Jay, Lawrence of Fayette, Lindsey, McBryde, Meek, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Owen, Pickett, Reynolds, Robinson, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Walker of Lauderdale, Walker of Mobile and Yelverton.

Mr. Newman moved to amend the bill as follows, to come in at the end of section 2, article 3 :

Provided, that if the superintendent deems it more convenient, safe, and economical, he may authorise the county treasurer to retain the amounts coming to their respective counties, under the laws heretofore provided for that purpose ; and the state treasurer may draw his warrants upon such county treasurers in favor of the county commissioners, as herein provided, whenever such amount or any portion thereof are drawn for as provided by this act. Lost.

Mr. Agee moved to amend said bill as follows :

Strike out section 2 of article 3, and insert, The tax collector of every county shall pay over to the county treasurers all the school moneys collected under this act, (the amount to which each county shall be entitled being determined by the superintendent,) and take duplicate receipts therefor, one of which he shall retain, the other transmit to the State superintendent. Lost.

Mr. Humphreys moved to amend as follows, and the yeas and nays were demanded—

Art. 2, sec. 2. Strike out "general assembly," and insert "qualified electors of the State at large, on the first Monday in May, 1854, and every two years thereafter."

Sec. 5. Strike out "general assembly," and insert "qualified electors." Lost—yeas 18, nays 56.

Those who voted in the affirmative are :

Messrs. Brown, Carroll, Creagh, Ervin of Wilcox, Findley, Garth, Gilbreath, Hall, Hays, Humphreys, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Shelby, McCall of Barbour, Rhodes, Sanford, Scott, Skelton, Walker of Lauderdale and Whitsitt.

Those who voted in the negative, are :

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Belser, Bishop, Camp, Calhoun, Clifton, Cochran, Cole, Comer, Cowan, Cook, Curry, J. W. Davis, Fletcher, Fox, Gibson, Gillam, Hanserd, Henry, A. Holly, Horn, Hubbard, Jay, Judge, Johnson, Laughinghouse, Lawrence of Fayette, Lindsey, McBryde, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newell,



Newman, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, St. John, Talbert, Thornton, Todd, Vest, Walker of Mobile, Watkins, Weaver and Yelverton.

Mr. Belser moved the previous question.

Mr. Burnett moved to adjourn. Motion lost.

Mr. Hall moved to postpone the further consideration of the bill and amendments until the 18th inst.

Mr. Hall then, at 20 minutes to 2 o'clock, moved to adjourn, and the yeas and nays were demanded.

Lost—yeas 14, nays 56.

Those who voted in the affirmative, are:

Messrs. Allen, Benners, Brown, Burnett, Ervin of Wilcox, Findley, Hall, R. H. J. Holly, Humphreys, Inge, McBryde, Rutherford, Rhodes, Sanford and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Abercrombie, Alldredge, Bell, Belser, Bishop, Camp, Galhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, Fletcher, Foreman, Fox, Gibson, Gilbreath, Gillam, Goodin, Hanserd, Henry, Hill, A. Holly, Horn, Hubbard, Irwin of Walker, Jay, Johnson, Laughinghouse, Lawrence of Fayette, Lawrance of Shelby, Lindsey, McCall of Choctaw, McCall of Barbour, Meek, Murphy, Musgrove, Nelms, Odom, Payne, Pickett, Reynolds, Robinson, Scott, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile and Weaver.

The question then recurred upon postponing the further consideration of the bill until the 18th inst.

Mr. Judge moved to adjourn.

Said motion was lost.

Mr. Belser then, with leave, withdrew his call for the previous question.

Mr. Hall then moved to amend said bill as follows:

Page 2, article 2, section 2, Strike out the first lines, and insert, "The superintendent of education shall be elected by this general assembly, and shall hold his office until the first Monday in August in the year 1856. He shall then be elected by the qualified voters of the State on that day, and every two years thereafter. The term of his office being two years." Lost.

Mr. Hall then moved to amend as follows, viz:

On page 4, section 6, at the end of the second line, strike out "two," and insert "three."

In the third line of same section, strike out the words "together with the judge of probate." Lost.

Mr. Hall then moved to amend as follows, viz:

Page 7, section 10, insert after the word "township," the words "and shall have power to establish two or more schools in such townships as the public necessity requires."

Said amendment was adopted.

Mr. Inge moved to amend as follows, and the yeas and nays were demanded :

Article 4, Strike out of the second line of section 1, article 4, "interest on the sixteenth section," and insert "educational."

Said amendment was lost—Yeas 25, nays 55.

Those who voted in the affirmative, are :

Messrs. Agee, Bell, Benners, Brown, Carroll, Creagh, Ervin of Wilcox, Fox, Garth, Gillam, Hall, Hill, R. H. J. Holly, Humphreys, Inge, Judge, Lawrence of Shelby, McCall of Choctaw, Rhodes, Rutherford, Sterritt, Walker of Mobile, Watkins and Whitsitt.

Those who voted in the negative, are :

Messrs. Speaker, Alldredge, Allen, Belser, Bishop, Camp, Calhoun, Clifton, Cochran, Comer, Cowan, Cook, Curry, J. W. Davis, Findley, Fletcher, Foreman, Gibson, Gilbreath, Goodin, Greene, Hanserd, Hays, Henry, A. Holly, Horn, Hubbard, Irwin of Walker, Jay, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, Meek, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Payne, Pickett, Reynolds, Robinson, Sanford, Scott, Skelton, St. John, Thornton, Todd, Vest, Walker of Lauderdale, Weaver and Yelverton.

Mr. Burnett moved to amend as follows :

Strike out all after the word "school," in the ninth line of article 2, section 3, down to the word "essential," in the twelfth line of the same section. Lost.

Mr. Benners moved to amend as follows :

Insert after the tenth line of tenth page, the words "which proceeds shall be so distributed among said children who reside in said townships and go to school." Lost.

Mr. Lawrence of Cherokee, moved to amend as follows :

Page 9, article 4, section 1, in line one, strike out "five," before thousand, and insert "three."

Said amendment was lost.

Said bill, as amended, was then read the third time, under a suspension of the constitutional rule, and passed—yeas 71, nays 12.

Those who voted in the affirmative are :

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Belser, Bishop, Brown, Calhoun, Clifton, Cochran, Comer Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farnior, Fletcher, Foreman, Fox, Garth, Gibson, Gillam, Goodin, Greene, Hanserd, Hays, Henry, Hill, A. Holly, Horn, Hubbard, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Payne, Pickett, Rhodes, Reynolds, Robinson, Sanford, Scott, Skelton, St. John, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Yelverton.

Those who voted in the negative are:

Messrs. Benners, Burnett, Findley, Foscoe, Humphreys, Inge, Rutherford, Sterritt, Watkins and Whitsitt.

And the House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The bills

For the relief of the constable of Livingston beat in Sumter county;

To authorise the register in chancery to settle a certain case therein named, and for other purposes;

To repeal in part an act to repeal an act to regulate the pay of petit jurors in Henry, Dale, Randolph, Coffee and Covington counties, approved January 27, 1845;

To incorporate Sandy Ridge Female Academy in Lowndes county;

To incorporate Sandy Ridge Male Academy in Lowndes county;

To compel certain persons heretofore exempt to work public roads in Hancock county;

To regulate the levy of county tax in Dale county;

To repeal the third section of the 12th chapter of the military code;

To repeal certain laws which conflict as to the duty of quarter master general;

To extend the time for recording deeds, and for establishing lost deeds or records, or other papers in Coffee county, and for other purposes;

To regulate the practice in justices' courts;

To repeal an act therein named;

Exempting the citizens of the town of Montevallo from working on public roads except within the corporate limits thereof;

For the relief of Abel Echols of Dale county; were severally read the second and third times, under a suspension of the constitutional rule, and passed.

The bill in relation to burning woods in the county of Henry, was read the second time.

Mr. Yelverton moved to amend said bill by extending its provisions to the county of Coffee; also,

To amend by striking out February.

Said amendments were adopted; and

The bill, as amended, was read the third time under a suspension of the constitutional rule, and passed.

The bill

To authorise the administrator of Alexander Scott, late of Macon county, deceased, to compromise bad and doubtful debts belonging to the estate of said deceased, and for other purposes, was read the second time.

Mr. Bell moved to amend said bill as follows:

SEC. 3. *And be it further enacted*, That the power conferred upon the parties named in the first section of this act ~~be and the~~ same are hereby extended to Thomas A. Hamilton, administrator of Samuel D. Fisher, deceased, late of Mobile county, and the rule prescribed in the second section of this act shall be applied to settlements made by said Hamilton.

*And provided further*, That the provisions of this bill be extended to Wm. C. Graham, administrator of James M. Beamer, late of Lawrence county, deceased.

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. L. P. Walker, with leave, introduced a bill to be entitled an act to consolidate the courts of chancery in the counties of Franklin, Lawrence and Lauderdale; which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Ordered, that the same be sent to the Senate forthwith.

The bills

To provide for the investment and safe keeping of estates and moneys, in certain cases therein named;

To alter and amend an act entitled an act to change the mode of receiving and disbursing the revenue of Mobile county, and for other purposes, approved February 9, 1852, were severally read the second time, and under a suspension of the constitutional rule, the third time forthwith, and passed; and

Ordered to be sent to the Senate forthwith.

Mr. Percy Walker, (with leave,) from the Committee on the Judiciary, reported back the bill to preserve legislative documents, without amendment, and the same was read the second and third times, under a suspension of the constitutional rule, and passed.

The Senate bills:

For the relief of Wm. M. Jones of Montgomery county;

For the relief of James May of the county of Pike;

To regulate the sale of spirituous liquors upon the waters of the Tennessee river, within one mile of Brown's ferry;

To authorise the county court commissioners of Cherokee county to make settlements with the building committee of the town of Centre, and for other purposes;

To change the time of taking up the State docket for Montgomery county;

For the relief of John A. L. DeBerrie of Walker county;

To provide for the registration of the names of steam boat owners;

To amend the city charter of Montgomery, and for other purposes;

To provide for the election of county treasurer of Henry and Dale counties;

To amend the law in relation to the failure of circuit judges and chancellors to hold their respective courts; were severally read the second time, and under a suspension of the constitutional rule, a third time forthwith, and passed.

The Senate bill

To compensate constables and jurors in justices' courts, was read the second time.

Mr. Newman moved to amend the said bill by exempting from its provisions the counties of Cherokee, DeKalb, Madison and others.

On motion, the said bill and amendments were ordered to lie on the table.

Joint resolutions proposing amendments to the constitution in relation to the election of attorney general and solicitors, was read the second time, and ordered to lie on the table.

The House concurs in the amendment of the Senate to the House bill, to authorize the probate court of Montgomery county to take jurisdiction of the estate of Wm. C. Wright, deceased.

The bill to authorize constables to resign their offices, was read the second time; and

On motion, was ordered to lie on the table.

The bill to authorize the extension of debts now due, or to become due to the different sixteenth section funds in this State, was read the second time; and,

On motion of Mr. Percy Walker, the further consideration of the same was postponed until Monday next.

The bill to provide for the reduction of tax upon land and white polls, was read the second time, and referred to the Committee on Ways and Means.

The bill to modify section 3285, of the Code, was read the second time, and ordered to lie upon the table.

The bill for the relief of miners of iron, was read the second time, and ordered to lie upon the table.

The bill to confer upon the office of judge of probate of Coffee county additional powers and duties as therein named, was read the second time, and referred to a select committee, composed of the delegations from the counties of Montgomery, Coffee, Pike and Covington.

The Senate bill, to amend the charter of the Alabama and Florida Rail Road Company, was read the second time.

Mr. Judge moved to amend said bill by additional sections, and the bill as amended was read a third time, under a suspension of the constitutional rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

The bill to change and extend the time of holding the circuit court of Randolph county, was read the second time, and referred to a select committee, composed of the delegations from the counties of Randolph and Talladega.

The Senate bill to authorize the commissioners' court of Cherokee county to change the boundaries of election precincts in said county, was read the second time, and ordered to lie on the table.

The Senate bill to legalize a certain marriage therein named, and for other purposes, was read the second time, and ordered to a third reading.

The bill to authorize the probate court to order a sale or division of property owned by minors, was read the second time;

Also, the bill to enlarge section 2175 of the Code, was read the second time, and severally referred to the Committee on the Judiciary.

The bill to authorize James A. Jordan to remove the property of his ward to the State of Texas, and for other purposes therein mentioned, was read the second time, and referred to the Committee on the Judiciary.

Joint resolutions requiring the secretary of state to preserve 100 copies of the official reports of State officers, and other official papers, was read the second and third times, under a suspension of the constitutional rule, and adopted.

Mr. Percy Walker moved that the bill to reorganize the chancery system of the State be set for a special order at half past 7 o'clock this evening.

Said motion prevailed.

Mr. Hill, with leave of the House, offered joint resolutions requiring the comptroller to scale the taxes of this State one-fourth, which were read, and the House refused to order the same to a second reading; so the same were lost.

Mr. Payne, from the Committee on Enrolled Bills, reported a bill to authorize the probate court of Montgomery county to take jurisdiction of the estate of Wm. C. Wright, deceased.

And the House then adjourned until this evening at 7 o'clock.

#### NIGHT SESSION.

The House met pursuant to adjournment.

On motion of Mr. Benners, the Senate bill for the relief of the administrator of John E. Lipscomb, deceased, and of the guardian of the minor heirs of said deceased, was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Greene, with leave of the House, presented the petition of Moses Jones and others for the relief of Mrs. Elizabeth L. She-hong; which was referred to the Committee on Divorce and Alimony.

The House then resumed the consideration of the message of the Governor vetoing the bill for the relief of John Burton, senior.



The question being on the passage of the bill,  
The House refused to pass said bill.—Yeas 3, nays 69.

Those who voted in the affirmative, are:

Messrs. Bishop, Hall and Lawrence of Cherokee.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Bell, Belser, Benners, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foscue, Fox, Garth, Gibson, Gillam, Greene, Hanserd, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Owen, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb and Whitsitt.

On motion of Mr. Percy Walker, the Senate bill to appropriate certain sums for improvements in the penitentiary, and for other purposes, was taken from the table and read the second time.

Mr. Hubbard moved to amend said bill by way of proviso.

Said amendment was adopted; and

The said bill as amended was then read the third time, and passed.—Yeas 46, nays 27.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Cole, Cowan, Cook, Curry, Ervin of Wilcox, Foscue, Gibson, Greene, Hall, Hill, R. H. J. Holly, Horn, Hubbaad, Inge, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, Nelms, Owen, Payne, Pickett, Rhodes, Rutherford, Sterritt, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, Webb, Whitsitt and Yelverton.

Those who voted in the negative, are:

Messrs. Alldredge, Carroll, Clifton, J. W. Davis, W. P. Davis, Findley, Fletcher, Fox, Garth, Gillam, Goodin, Hanserd, A. Holly, Ervin of Walker, McCall of Barbour, Murphy, Musgrove, Newell, Newman, Odom, Reynolds, Robinson, Sanford, St. John, Vest and Watkins.

Mr. Walker, from the select committee, to whom was referred the bill for the relief of Charles Gookin, reported the same back without amendment, and the House refused to pass the same.—Yeas 34, nays 56.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Bishop, Burnett, Camp, Cochran, Cook, W. P. Davis, Garth, Greene, Hall, Henry, Hill, Humphreys, Judge, Laughinghouse, Lindsey, Meek, Odom, Payne, Pickett, Rhodes, Robinson, Rutherford, Walker of

Lauderdale, Walker of Mobile, Watkins, Weaver, Webb and Yel-  
verton.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Carroll, Clifton, Comer, Cowan, Cur-  
ry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox,  
Gibson, Gillam, Hanserd, R. H. J. Holly, A. Holly, Hubbard,  
Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of  
Fayette, McBryde, Murphy, Musgrove, Newell, Newman, Rey-  
nolds, Sanford, St. John, Sterritt, Talbert, Thornton, Vest and  
Whitsitt.

Mr. McBryde, who voted in the negative, moved to reconsider  
the vote just taken.

Mr. Curry moved to postpone the further consideration of the  
said motion until the 17th instant. Lost.

The question then recurred upon the motion to postpone until  
to-morrow morning at 12 o'clock, m.

And the House then adjourned until to-morrow morning at nine  
o'clock.

SATURDAY, February 11, 1854.

The House met pursuant to adjournment.

The following message was received from his excellency, the  
Governor, by Mr. Whitfield, his private secretary.

Mr. Speaker: His excellency, the Governor, has approved the  
following bills which originated in the House of Representatives:

An act to amend section 397 of the Code;

An act to authorize the courts of county commissioners to es-  
tablish, abolish and change the places of voting in election pre-  
cincts;

An act in relation to Mobile county;

An act for the relief of Ezekiel Gore, late tax collector of  
Pickens county;

An act to authorize the construction of a plank or shell road  
along the bay of Mobile; and

Returns a bill to be entitled an act for the relief of John T.  
Weaver, and with it his objections to the same.

The House concurs in the amendment of the Senate to the  
House bill to fix the pay of the judge of probate and the sheriff  
of Dale and Henry counties.

The Senate bill to repeal the act declaring Tallassahatchee  
creek in the county of Benton a public highway, was read the  
first, second and third times, under a suspension of the constitu-  
tional rule, and passed.

Mr. Calhoun, with leave, introduced a bill to be entitled an act  
in reference to trustees of school townships in Russell county;  
which was read the first and second times, under a suspension of  
the constitutional rule.

Mr. Calhoun moved to amend said bill by an additional sec-  
tion as follows:

*And be it further enacted,* That the provisions of this bill shall apply to the counties of Dale and Covington.

Said amendment was adopted; and

The bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Henry, with leave, introduced a bill to be entitled an act to define the jurisdiction of the town constable of the town of Carrollton; which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Skelton, with leave, introduced a bill in relation to the resurvey of land;

Mr. Foscue, with leave, introduced a bill to authorize and require the inspectors of the penitentiary to secure certain property to the State;

Said bills were severally read the first time, and under a suspension of the constitutional rule, were read the second and third times forthwith, and passed.

Mr. Carroll, with leave, introduced a bill to loan Lagrange College a certain sum of money; which was read, and the House refused to order the same to a third reading.

So the bill was lost.

Mr. Ervin of Wilcox, from the select committee, to whom was referred the bill to amend the charter of the Wilcox Female Institute, reported back the same with amendments.

Said amendments were adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Curry, from the select committee, to whom was referred the bill to alter and extend the time of holding the circuit court for Randolph county, reported the same back with amendments.

Said amendments were adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Judge (with leave) offered the following resolution, which was ordered to lie over one day under the rule:

*Resolved,* That on Monday evening next, at 7 o'clock, p. m., and on every alternate evening thereafter, at the same hour, messages from the Senate shall be taken up and disposed of, and this rule shall not be suspended, except by a vote of two-thirds, to be ascertained by yeas and nays, or on a division of the House.

The hour of half after 9 o'clock having arrived, the House proceeded to the consideration of the bill to aid the Alabama and Tennessee River Rail Road.

Mr. Judge (with leave) withdrew his amendment to the same.

Mr. Curry then moved to amend said bill by SEC. —

Said amendment was adopted.

Mr. Judge moved to amend as follows:

*And be it further enacted,* That the sum of three hundred and fifty thousand dollars be and the same is hereby also loaned, out of any moneys in the treasury not otherwise appropriated, to each of the following rail road companies, to wit:

The Western Rail Road Company of Alabama;

The Alabama and Florida Rail Road Company of Alabama;

The Mobile and Girard Rail Road Company;

The North and South Alabama Rail Road Company.

The said loans to be respectively for the same length of time, at the same rate of interest, and on the same terms and conditions provided herein for a loan to the Alabama and Tennessee River Rail Road.

SEC. —. *And be it further enacted,* That each rail road company entitled to a loan under the provisions of this act, shall apply for the same within six months from the date of the passage of this act; and any company which shall fail to apply for the same within said period, shall thereby forfeit all claim or right to such loan.

SEC. —. *And be it further enacted,* That after the lapse of the said six months, the several rail road companies which have applied for and are entitled to receive the loans by this act respectively made, shall be entitled to receive the same on complying with the terms and conditions herein prescribed; and if, at said period, there shall not be moneys in the treasury unappropriated, sufficient in amount to loan to the several companies applying for and entitled to receive the same, the full amount in this act designated for each, then, and in that event, it shall be the duty of the Governor to apportion such moneys as are hereby appropriated equally amongst the several companies, complying with the provisions of this act and entitled to receive such loan.

Mr. Curry called for the previous question, and the question "shall the main question be now put?" was sustained—yeas 45 nays 30.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Bell, Bishop, Brown, Carroll, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox, Gibson, Gilbreath, Gillam, Goodin, Hall, Hanserd, Hays, R. H. J. Holly, Hubbard, Irwin of Walker, Laughinghouse, Lawrence of Fayette, Lawrence of Shelby, McCall of Choctaw, Meek, Murphy, Musgrove, Newman, Odom, Reynolds, Sanford, Skelton, St. John, Sterritt, Thornton, Vest, Walker of Mobile, Watkins, Whitsitt and Wills.

Those who voted in the negative, are:

Messrs. Speaker, Allen, Belser, Benners, Burnett, Camp, Calhoun, Clifton, Comer, Cook, Farrior, Hill, A. Holly, Horn, Inge, Jay, Johnson, Judge, McBryde, McCall of Barbour, Nelms, Odom, Payne, Pickett, Rhodes, Robinson, Rutherford, Scott, Talbert and Todd.

The question then recurred on ordering the bill to be engrossed for a third reading, and the House refused so to order it.—Yeas 34, nays 46.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Bell, Bishop, Clifton, Cowan, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Gilbreath, Goodin, Hays, Horn, Hubbard, Humphreys, Jay, Lawrence of Cherokee, Lawrence of Shelby, Meek, Murphy, Newman, Owen, Sanford, Skelton, Sterritt, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Belser, Benners, Brown, Camp, Calhoun, Carroll, Cochran, Comer, Cook, Erwin of Wilcox, Fox, Garth, Gibson, Gillam, Hanserd, Hill, Henry, R. H. J. Holly, Inge, Irwin of Walker, Judge, Laughinghouse, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Odom, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, St. John, Talbert, Thornton, Todd, Vest, Webb and Whitsitt.

The House then proceeded to the consideration of the bill to aid the Memphis and Charleston Rail Road.

Mr. L. P. Walker moved to amend said bill by way of substitute. Said substitute was adopted.

Mr. Camp moved to amend said bill as follows:

SEC. — *And be it further enacted*, That the provisions of this act be, and is hereby extended to the North East and South West Rail Road, and that the said company have twelve months to comply with the provisions of this act.

Mr. Hubbard called for the previous question, and the question, "shall the main question be now put?" was sustained.

The question then recurred on ordering said bill to a third reading, and the yeas and nays were demanded.

Lost—Yeas 30, nays 53.

Those who voted in the affirmative are:

Messrs. Speaker, Allen, Bell, Bishop, Carroll, Cowan, Curry, W. P. Davis, Fletcher, Garth, Gilbreath, Hanserd, Hays, Hubbard, Humphreys, Laughinghouse, Lawrence of Cherokee, Lindsey, Meek, Murphy, Newman, Owen, Rhodes, Scott, Skelton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Wills.

Those who voted in the negative are:

Messrs. Agee, Alldredge, Belser, Benners, Brown, Burnett, Camp, Calhoun, Clifton, Cochran, Cole Comer, Cook, Creagh, J. W. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Gibson, Gillam, Goodin, Hall, Henry, Hill, A. Holly, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Fayette, Lawrence of Shelby, McBryde, McCall of Barbour, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Webb, Whitsitt and Yelverton.

Mr. Fox then moved to suspend the order of business to enable him to offer a resolution, and the yeas and nays were demanded. Carried—yeas 67, Nays 15.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bishop, Brown, Burnett, Carroll, Clifton, Comer, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Garth, Gibson, Gilbreath, Gillam, Goodin, Hall, Hanserd, Hays, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Johnson, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Payne, Reynolds, Rhodes, Robinson, Sanford, Scott, Skelton, St. John, Talbert, Thornton, Todd, Vest, Watkins, Weaver, Webb, Whitsitt and Yelverton.

Those who voted in the negative are:

Messrs. Belser, Camp, Cole, Cowan, Cook, Creagh, Foscue, Henry, Jay, Judge, Meek, Owen, Pickett, Sterritt and Walker of Mobile.

Mr. Fox then offered the following resolution:

Whereas, there is now a large surplus revenue in the treasury of this State, as shown by the report of the officer in charge of that department; and whereas in the opinion of this House, it is not in accordance with the principles of a sound political economy to consume large sums of money in assessing and collecting taxes, with a view to make loans to citizens or corporations for interest; and whereas, further sound views of economy and justice dictate that the people who earn the money will use it most judiciously in increasing their individual wealth—the aggregate of which individual wealth, constitutes the wealth of a State; and that no State should draw from the pockets of its citizens, more money than is necessary to carry on the government organized, therefore

*Resolved*, That the Committee of Ways and Means be instructed to report forthwith, a bill so modifying the “tax system” of this State, that in future no more money shall be collected than may be required to defray the actual current expenses of the State Government, economically administered.

Mr. Curry then offered the following amendment to said resolution, viz:

That the Committee on Ways and Means be instructed to inquire whether the amount of money raised by the present revenue laws will be sufficient or more than sufficient to meet and discharge our State bonds, when they fall due, and the expenses of the government, and if the committee find they will be more than sufficient to meet said debts, they shall report a bill reducing the taxes, so as to raise no more revenue than will be necessary for that purpose.

Mr. Yelverton called for the previous question, and the question, shall the main question now be put? was lost. Yeas 26, nays 50.



Those who voted in the affirmative are:

Messrs. Allen, Bell, Carroll, W. P. Davis, Ervin of Wilcox, Garth, Hall, Henry, Hill, A. Holly, Horn, Hubbard, McBryde, Murphy, Newman, Odom, Owen, Payne, Rhodes, Robinson, St. John, Thornton, Todd, Vest, Walker of Mobile and Yelverton.

Those who voted in the negative are:

Messrs. Speaker, Aldredge, Belser, Benners, Bishop, Burnett, Brown, Camp, Clifton, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, Findley, Fletcher, Foscue, Fox, Gibson, Gilbreath, Gillam, Goodin, Hanserd, Humphreys, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lawrence of Shelby, Lindsey, Meek, Murphy, Musgrove, Newell, Pickett, Reynolds, Rutherford, Sanford, Scott, Skelton, Sterritt, Talbert, Watkins, Weaver, Webb and Whitsitt.

Mr. Curry then, with leave of the House, withdrew his amendment.

Mr. Agee moved to amend by way of substitute.

Mr. Creagh moved to lay the whole subject on the table. Carried.

Leave of absence was granted to Mr. Newman.

Mr. Curry, from the select committee, to whom was referred the bill authorizing additional terms of the chancery court in Talladega, Benton and Cherokee counties, and for other purposes, reported the same back with amendments.

Said amendments were adopted, and the bill as amended, was read the third time, under a suspension of the constitutional rule, and passed.

The hour of 12 o'clock, m. having arrived, the House resumed the consideration of the motion of Mr. McBryde to reconsider the vote taken on refusing to pass the bill for the relief of Charles Gookin.

Said vote was reconsidered. Yeas 47, nays 30.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Allen, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Cochran, Cook, W. P. Davis, Garth, Gibson, Gilbreath, Gillam, Goodin, Hall, Hays, Henry, Hill, R. H. J. Holly, Horn, Humphreys, Jay, Johnson, Judge, Laughinghouse, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Nelms, Odom, Owen, Payne, Pickett, Rhodes, Robinson, Rutherford, Walker of Lauderdale, Walker of Mobile, Weaver, Webb, Whitsitt and Yelverton.

Those who voted in the negative are:

Messrs. Agee, Carroll, Clifton, Comer, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox, Hanserd, A. Holly, Hubbard, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Murphy, Musgrove, Reynolds, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton and Vest.

The question then recurred on the passage of the bill, and the yeas and nays were demanded.

The bill was passed. Yeas 41, nays 40.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Allen, Bell, Benners, Bishop, Brown, Burnett, Calhoun, Cochran, Cook, Garth, Gibson, Gilbreath, Gillam, Goodin, Hall, Hays, Hill, Horn, Humphreys, Jay, Judge, Laughinghouse, Lindsey, McBryde, McCall of Barbour, Meek, Nelms, Odom, Owen, Pickett, Rhodes, Robinson, Rutherford, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Webb and Yelverton.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Camp, Carroll, Clifton, Cole, Comer, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox, Hanserd, Henry, A. Holly, R. H. J. Holly, Hubbard, Inge, Irwin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Musgrove, Newell, Reynolds, Sanford, Scott, St. John, Skelton, Sterritt, Talbert, Thornton, Todd, Vest and Whitsitt.

The House resumed the consideration of the bill to reorganize the chancery system of the State, reported as a substitute by the select committee raised to revise the chancery system, &c.

Mr. Jay moved to amend as follows:

Strike out "Clarke" where it occurs in the 3rd line, section 3, and add "Clarke" after "Choctaw" in the fifth line of the same section.

Strike out "Monroe" where it occurs in the 4th line, section 5, and insert "Conecuh" in lieu thereof.

Strike out the words "who shall reside in the city of Mobile," in 3rd line, section 13.

Mr. Inge moved to lay the bill and amendments on the table, and the yeas and nays were demanded. Carried.—Yeas 61, nays 13.

Those who voted in the affirmative are:

Messrs. Speaker, Alldredge, Belser, Benners, Bishop, Brown, Camp, Calhoun, Carroll, Clifton, Cochran, Cole, Comer, Cowan, Curry, J. W. Davis, Wm. P. Davis, Farrior, Findley, Fletcher, Garth, Gibson, Gillam, Goodin, Greene, Hanserd, Hays, Henry, Hill, R. H. J. Holly, Hubbard, Inge, Irwin of Walker, Jay, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Odom, Reynolds, Rhodes, Robinson, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Weaver, Webb, Whitsitt and Yelverton.

Those who voted in the negative, are:

Messrs. Agee, Burnett, Cook, Gilbeath, Hall, Horn, Judge, Meek, Owen, Payne, Walker of Lauderdale, Walker of Mobile and Watkins.

The House then resumed the consideration of the bill to repeal the Code of Alabama.

The question being on the ordering of the same to a second reading, and the yeas and nays were demanded.

The House refused so to order it.—Yeas 23, nays 53.

Those who voted in the affirmative are:

Messrs. Alldredge, Bell, Benners, Carroll, Cochran, Creagh, Findley, Goodin, Hall, Henry, Hays, A. Holly, Hubbard, Inge, Irwin of Walker, Lawrence of Cherokee, Lindsey, Odom, Reynolds, Rhodes, St. John, Walker of Lauderdale, Walker of Mobile and Watkins.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Agee, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Clifton, Comer, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Farrior, Fletcher, Fox, Garth, Gibson, Gillam, Greene, Hanserd, Henry, Hill, R. H. J. Holly, Horn, Judge, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Newman, Owen, Payne, Pickett, Robinson, Rutherford, Sanford, Scott, Sterritt, Talbert, Thornton, Todd, Vest, Webb, Whitsitt and Yelverton.

And the House then adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Hubbard, with leave of the House, offered the following resolution:

*Resolved*, That in coming to and going home from the general assembly, consequent upon the late recess, the members of this House are by law entitled to mileage.

*Resolved further*, That they are entitled to per diem during said recess.

A division of the question was called for, and the question was first taken upon the first resolution, and the yeas and nays were demanded.

Said resolution was lost.—Yeas 24, nays 56.

Those who voted in the affirmative are:

Messrs. Allen, Carroll, Clifton, Findley, Gilbreath, Goodin, Greene, Hays, Hill, Hubbard, Irwin of Walker, Meek, Murphy, Odom, Pickett, Rhodes, Robinson, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile and Watkins.

Those who voted in the negative are:

Messrs. Speaker, Agee, Alldredge, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Gibson, Gillam, Hall, Hanserd, R. H. J. Holly, A. Holly, Inge, Jay, Johnson, Judge, Laughinghouse, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Musgrove, Newell, Newman, Owen, Reynolds, Rutherford, Sanford, Scott, Skelton, St. John, Sterritt, Talbert, Weaver, Webb, Whitsitt, Wills and Yelverton.

Mr. W. P. Davis moved to reconsider the vote just taken.

Said motion was lost.—Yeas 41, nays 42.

Those who voted in the affirmative are:

Messrs. Agee, Allen, Bishop, Camp, Carroll, Clifton, Cowan, W. P. Davis, Findley, Fletcher, Garth, Gilbreath, Goodin, Greene, Hays, Hill, Horn, Hubbard, Humphreys, Irwin of Walker, Lawrence of Cherokee, McBryde, Meek, Murphy, Odom, Owen, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Skelton, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Bell, Belser, Brown, Burnett, Calhoun, Cochran, Cole, Comer, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Foscue, Fox, Gillam, Hall, Hanserd, Henry, R. H. J. Holly, A. Holly, Inge, Jay, Judge, Laughinghouse, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Musgrove, Newell, Newman, Payne, Scott, St. John, Sterritt, Talbert, Weaver, Webb and Whitsitt.

The question then recurred on the second resolution.

Mr. Yelverton moved to amend said resolution by way of substitute as follows:

*Resolved*, That each member of this House may certify to the Speaker his account, for either mileage or per diem during the recess, but not for both; and upon the presentation of such certificate the Speaker shall certify for the payment of such claim.

Said amendment was accepted by Mr. Hubbard.

The question then recurred upon the adoption of said resolution as amended.

The same was lost.—Yeas 19, nays 58.

Those who voted in the affirmative, are:

Messrs. Allen, Carroll, Clifton, Comer, Fletcher, Gilbreath, Greene, Hays, Hubbard, Lawrence of Cherokee, Meek, Murphy, Odom, Pickett, Reynolds, Rhodes, Robinson, Skelton, Todd and Wills.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Cochran, Cole, Comer, Cook, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Findley, Foscue, Fox, Garth, Gibson, Gillam, Goodin, Hall, Hanserd, Hill, R. H. J. Holly, A. Holly, Inge, Irwin of Walker, Jay, Judge, Laughinghouse, Lawrence of Fayette, Lindsey, McBryde, McCall of Choctaw, Musgrove, Newell, Owen, Payne, Sanford, Scott, St. John, Sterritt, Talbert, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver, Webb, Whitsitt and Yelverton.

Mr. Percy Walker moved that the rule requiring this House to meet again at 7 o'clock, p. m. be suspended.

Said motion was lost.—Yeas 32, nays 46.

Those who voted in the affirmative are :

Messrs. Abercrombie, Bell, Brown, Burnett, Carroll, Cowan, Curry, W. P. Davis, Findley, Fletcher, Garth, Gilbreath, Greene, Hall, Hanserd, Humphreys, Lawrence of Cherokee, Lindsey, Meek, Odom, Owen, Pickett, Rhodes, Robinson, Scott, St. John, Todd, Vest, Walker of Mobile. Walker of Lauderdale and Watkins.

Those who voted in the negative are :

Messrs. Speaker, Alldredge, Belser, Bishop, Camp, Calhoun, Clifton, Cole, Comer, Cook, Creagh, J. W. Davis, Farrior, Foscue, Fox, Gibson, Gillam, Hays, Henry, Hill, R. H. J. Holly, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Jay, Johnson, Judge, Laughinghouse, Lawrance of Fayette, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Payne, Rutherford, Sanford, Sterritt, Talbert, Thornton, Webb, Whitsitt, Wills and Yelverton.

Mr. Cochran, from the Committee on the Judiciary, to whom was referred the bill from the Senate to amend section 2677 of the Code, relative to the partition of lands, reported the same back with an amendment.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Speaker (Mr. Curry in the chair) moved that the vote by which the bill passed for the relief of Charles Gookin, be reconsidered.

And on motion of Mr. W. P. Davis,

The further consideration of the same was postponed until Monday next.

On motion of Mr. Hall,

The House then resumed the consideration of the Senate bill to change the time of assessing and collecting the taxes, and for other purposes, with amendments thereto, reported by the Committee on Ways and Means.

Said amendments were adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Bell, from the Committee on Ways and Means, to whom was referred the petition of Wm. R. Hallett and others, praying the passage of a law regulating circus' in Mobile, reported back a bill to be entitled an act relative to licensing circus' in Mobile.

Mr. Bell, from the same committee, to whom was referred the bill to be entitled an act to amend section 397 of the Code, reported back a substitute therefor.

Mr. Comer moved to amend said section as follows :

SEC. 2. *And be it further enacted*, That part 16 of section 397 of the Code be further amended so as to read "five hundred" instead of "seventy-five," "three hundred" instead of "forty," and "two hundred" instead of "twenty;" *Provided*, that the

provisions of section two of this act shall apply only to the counties of Barbour, Marengo, Russell, Coffee, Butler, Conecuh, Cherokee, Henry, Monroe and Lawrence.

Mr. Whitsitt then moved to lay the bill and amendments on the table.

Pending which,

The House adjourned until 7 o'clock this evening.

#### NIGHT SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to the call:

Messrs. Speaker, Agee, Alldredge, Belser, Benners, Bishop, Brown, Camp, Clifton, Comer, Cook, Farrior, Fletcher, Foscue, Fox, Garth, Gillam, Greene, Hanserd, R. H. J. Holly, Hubbard, Inge, Irwin of Walker, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Newell, Reynolds, Rutherford, Sanford, Skelton, St. John, Thornton, Walker of Mobile, Watkins, Whitsitt, Wills and Yelverton—37.

Leave of absence was granted to Mr. Burnett indefinitely.

Mr. Agee (with leave) introduced a bill to be entitled an act to change the time of holding the chancery court in the second district of the southern division; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

The House then resumed the consideration of the joint resolutions proposing amendments to the constitution, giving to the people the election of secretary of state, comptroller of public accounts, state treasurer, chancellors, judges of the supreme court, attorney general and solicitors, and providing for the biennial election of representatives to the general assembly with annual session thereof, if provided by law.

Said resolutions were read the second time and ordered to be engrossed for a third reading on to-morrow.—Yeas 57, nays 6.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Belser, Benners, Bishop, Brown, Calhoun, Clifton, Comer, Cook, J. W. Davis, Farrior, Findley, Fletcher, Fox, Garth, Gibson, Gilbreath, Gillam, Greene, Hanserd, Hill, R. H. J. Holly, A. Holly, Hubbard, Jay, Johnson, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Choctaw, McCall of Barbour, Murphy, Newell, Newman, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Scott, Skelton, St. John, Sterritt, Todd, Vest, Walker of Mobile, Webb, Whitsitt, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Foscue, Inge, Irwin of Walker, Lawrence of Fayette, Talbert and Watkins.



The House then resumed the consideration of the joint resolutions proposing a call of a convention to alter and reform the constitution.

Said resolutions were read the second time and ordered to be engrossed for a third reading.

The joint preamble from the Senate to the Congress of the United States, was read the first time and ordered to lie on the table.

The Senate bill

To authorize a special jury in Walker county, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed; and

On motion of Mr. Irwin of Walker,

The caption of said bill was amended, by striking out the word "jury" and inserting "levy."

The House concurs in the amendment of the Senate to the bill to authorize John C. Whitsitt to erect gates across a road therein named.

The Senate bills,

To direct the binding of certain copies of the acts of the general assembly;

For the relief of Seaborn Kelly;

For the relief of Matt. Gayle and Wm. T. Minter;

For the relief of James Shearmon, late tax collector of Russell county;

To create an additional regiment in Randolph county;

To incorporate the town of Mount Hope, in the county of Lawrence;

To authorize the secretary of state to issue a patent to G. L. Hogan, were severally read the first time, and the constitutional rule being suspended, were read the second and third times forthwith and passed.

Joint resolutions from the Senate in relation to the claim of the State against Charles H. Stewart, were read the first time, and the constitutional rule being suspended, were read the second and third times forthwith and adopted.

The House concurs in the amendment of the Senate to the bill to amend the road law in the counties of Pickens, Autauga, Dale, Henry and Dallas.

The Senate bill

To renew the loan of that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road Company, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Whitsitt moved to amend said bill by striking out "five" where the same occurs before "per cent." in the second section, and insert "six" in lieu thereof; and

Also, by striking out the words "the same rate of interest now paid by said company," in the first section.

Said amendment was lost—Yeas 27, nays 36.

Those who voted in the affirmative, are :

Messrs. Speaker, Alldredge, Benners, Bishop, Clifton, Findley, Goodin, Greene, Hanserd, Holly, Hubbard, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Choctaw, Murphy, Odom, Reynolds, Sanford, Skelton, St. John, Sterritt, Talbert, Vest, Whitsitt and Wills.

Those who voted in the negative, are :

Messrs. Bell, Belser, Brown, Camp, Calhoun, Comer, Cook, J. W. Davis, Ervin of Wilcox, Fletcher, Foscue, Gibson, Gillam, Gilbreath, Hill, R. H. J. Holly, Inge, Jay, Johnson, Judge, McBryde, McCall of Barbour, Meek, Nelms, Newell, Newman, Payne, Pickett, Robinson, Rutherford, Thornton, Todd, Walker of Mobile, Watkins, Webb and Yelverton.

Mr. Foscue moved to amend said bill by striking out "five" before years, and inserting "two."

Said amendment was adopted—Yeas 34, nays 29.

Those who voted in the affirmative, are :

Messrs. Alldredge, Benners, Bishop, Camp, Clifton, J. W. Davis, Ervin of Wilcox, Fletcher, Fox, Goodin, Greene, Hanserd, R. H. J. Holly, A. Holly, Horn, Inge, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Murphy, Newman, Odom, Reynolds, Sanford, Skelton, St. John, Sterritt, Talbert, Vest, Whitsitt and Wills.

Those who voted in the negative, are :

Messrs. Speaker, Bell, Benners, Brown, Calhoun, Comer, Cook, Gibson, Gillam, Hill, Hubbard, Judge, McCall of Barbor, McCall of Choctaw, Meek, Nelms, Payne, Pickett, Rhodes, Robinson, Rutherford, Thornton, Todd, Walker of Mobile, Watkins, Webb and Yelverton.

Mr. Johnson moved to amend said bill as follows :

*And be it further enacted,* That the sum of \$50,000 be and the same is hereby appropriated, as a loan for two years from the said two per cent. fund to the Alabama and Noxubee, Mississippi, Rail Road Company, upon the said company giving such securities for the re-payment of the same as may be satisfactory to the Governor, and for the payment of annual interest at the rate of five per cent. on the amount of said loan.

Said amendment was lost.

Mr. Lawrence of Cherokee moved to reconsider the vote just taken adopting the amendment proposed by Mr. Foscue to said bill.

Mr. Judge moved to postpone the said motion to re-consider until next Monday at 10 o'clock, a. m.

Said motion prevailed.

The Senate bill

For the relief of a certain person therein named, was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Alldredge moved to lay said bill on the table. Lost.

Said bill was then read the third time, under a suspension of the constitutional rule, and passed—Yeas 32, nays 27.

Those who voted in the affirmative, are:

Messrs. Bell, Calhoun, Clifton, Comer, Cook, Gilbreath, Gillam, Goodin, Hill, R. H. J. Holly, A. Holly, Horn, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, McCall of Barbour, Murphy, Nelms, Odom, Payne, Pickett, Robinson, Rutherford, Sterritt, Todd, Vest, Walker of Mobile, Webb, Wills and Yelverton.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Benners, Bishop, Brown, Camp, J. W. Davis, Ervin of Wilcox, Fletcher, Fox, Greene, Hanserd, Hubbard, Inge, Jay, Lawrence of Foyette, Lindsey, McCall of Choctaw, Meek, Newell, Newman, Reynolds, Sanford, Skelton, St. John, Thornton and Whitsitt.

On motion of Mr. Pickett,

The House bill to repeal section 2464 of the Code, so far as relates to the county of Jefferson and other counties, was taken from its order, and the amendment of the Senate thereto concurred in.

And the House then adjourned until to-morrow morning at 10 o'clock.

MONDAY, February 13, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Messrs. Cole, Horn, Nelms and Lawrence of Cherokee.

Mr. Cochran, with leave, from the Committee on the Judiciary, reported adversely to the bill to abolish Hancock county.

Mr. Vest moved to lay the said adverse report on the table.

Carried.

The question then recurred on ordering the said bill to a third reading.

Mr. Camp moved to amend as follows:

*Provided*, That Jefferson county shall be entitled to the representative. Lost.

Mr. Irwin of Walker moved to amend as follows:

*Provided*, That the county of Walker be and is hereby declared to be entitled to the representative that Hancock county is now entitled to.

Mr. Humphreys moved to amend the said amendment by striking out "Walker" and inserting "Madison." Lost.

The question then recurred on the amendment proposed by Mr. Irwin of Walker.

Pending which,

The hour of 11 o'clock having arrived, the House resumed the consideration of the motion made by Mr. Wm. P. Davis to recon-

sider the vote taken on adopting the Senate bill to renew the loan of that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road Company, to-wit: to strike out "five" and insert "two" before years; and

The yeas and nays were demanded.

Said vote was reconsidered—yeas 41, nays 24.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Bishop, Brown, Calhoun, Cochran, Comer, Cook, Creagh, J. W. Davis, Foreman, Gibson, Gilbreath, Gillam, Goodin, Hatcher, Hill, A. Holly, Hubbard, Inge, Irwin of Walker, Jay, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Owen, Payne, Pickett, Robinson, Rutherford, St. John, Talbert, Thornton, Todd, Walker of Lauderdale, Walker of Mobile and Webb.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Camp, Carroll, Clifton, Cowan, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Hanserd, Hays, Lawrence of Fayette, Murphy, Musgrove, Odom, Reynolds, Sanford, Shelly, Skelton, Sterritt, Vest and Whitsitt.

The question then recurred on the adoption of said amendment.

Mr. Lindsey called for a division of the question, and the question was first put on striking out "five," before years.—Lost.

Mr. Creagh moved to amend as follows:

*Provided*, That nothing in this act shall be so construed as to extend the loan for more than one-half of the sum originally loaned to the Montgomery and West Point Rail Road Company; but one-half thereof shall be loaned by the Governor to the Alabama and Mississippi River Rail Road Company, upon the same terms, provisions and restrictions as contained in this act extending the loan to the Montgomery and West Point Rail Road Company.

Mr. Judge called for the previous question, and the yeas and nays were demanded; and the question shall the main question now be put, was decided in the negative—yeas 29, nays 37.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Bell, Belser, Calhoun, Cochran, Comer, Cook, Foreman, Gillam, Hanserd, Hill, A. Holly, Hubbard, Irwin of Walker, Judge, Lawrence of Cherokee, McBryde, McCall of Barbour, Musgrove, Odom, Owen, Payne, Robinson, Rutherford, Todd, Walker of Lauderdale, Walker of Mobile and Webb.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Allen, Benners, Bishop, Camp, Carroll, Clifton, Cowan, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Garth, Gibson, Hatcher, Inge, Jay, Lawrence of Fayette, Lindsey, McCall of Choctaw, Murphy, Pickett, Reynolds, Sanford, Shelly, Skelton, St. John, Sterritt, Talbert, Vest, Weaver, Whitsitt and Wills.

The question then recurred on the amendment proposed by Mr. Creagh.

Mr. Judge moved to amend the amendment proposed by Mr. Creagh as follows:

*Provided*, that after the expiration of the period for which said loan is hereby extended, the same shall then be loaned to the Alabama and Mississippi Rivers Rail Road Company, on the same terms and conditions, and for the same time that the same was originally loaned to the Montgomery and West Point Rail Road Company. Said amendment was lost.

The question then recurred on the amendment of Mr. Creagh, and the yeas and nays were demanded; when

Mr. Creagh, with leave, withdrew the same.

Mr. Benners then moved to amend said bill as follows, and the yeas and nays were demanded.

That one-half of the loan from the two per cent. fund heretofore made to the Montgomery and West Point Rail Road Company, be extended to said company for the period of five years, and that the remaining half of said loan be extended to the first day of March, 1855, on the same terms as heretofore said loan was extended to it, then to be refunded to make up the deficiency of the amount heretofore authorised to be loaned out of the two per cent. fund to the Alabama and Mississippi Rivers Rail Road Company; and that said deficiency shall be paid by the Governor to the said Alabama and Mississippi Rivers Rail Road Company, and of said fund, when paid in by the said Montgomery and West Point Rail Road Company, on the same terms and conditions as the original loan was made to it. Adopted. Yeas 35, nays 32.

Those who voted in the affirmative, are:

Messrs. Allen, Benners, Brown, Carroll, Clifton, Cowan, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Findley, Fox, Garth, Greene, Hatcher, Hays, Inge, Jay, Lawrence of Fayette, McCall of Choctaw, Murphy, Musgrove, Odom, Reynolds, Sanford, Shelly, Skelton, St. John, Sterritt, Talbert, Thornton, Vest, Weaver, Whitsitt and Wills.

Those who voted in the negative, are:

Messrs. Speaker, Bell, Belser, Bishop, Camp, Calhoun, Comer, Cook, J. W. Davis, Fletcher, Foreman, Gillam, Goodin, Hall, Hanserd, Hill, A. Holly, Hubbard, Irwin of Walker, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, Newell, Pickett, Rhodes, Robinson, Todd, Walker of Lauderdale, Walker of Mobile, Watkins and Webb.

Mr. Judge moved to lay the said bill and amendments on the table, and the yeas and nays were demanded.

Carried—yeas 44, nays 21.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Agee, Bell, Belser, Bishop, Calhoun, Clifton, Cochran, Comer, Cowan, Cook, J. W. Davis, Fletcher, Garth,

Gibson, Goodin, Greene, Hall, Hanserd, Hill, A. Holly, Hubbard, Irwin of Walker, Jay, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, Meek, Murphy, Odom, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Shelly, Todd, Walker of Lauderdale, Weaver and Wills.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Benners, Brown, Camp, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Fox, Gillam, Inge, Lawrence of Fayette, McCall of Choctaw, Newell, Skelton, St. John, Sterritt, Talbert, Vest, Walker of Mobile, and Whitsitt.

Mr. Belser moved that the Committees on the Judiciary and Federal Relations be allowed to make reports respectively, on this evening at half after 7 o'clock. Carried.

The House then resumed the consideration of the bill and substitute reported by the Committee on the Judiciary, entitled an act to repeal, alter and amend certain sections of the Code relative to attachments; the question being on the adoption of the substitute. Said substitute was adopted.

Mr. Lindsey moved to amend said bill as follows:

By striking out "after the satisfaction of the claim of the first attaching creditor," and by striking out "other," before attaching, and inserting "all." Said amendment was lost.

The question then recurred on ordering the bill to be engrossed, and the yeas and nays were demanded.

Said bill was so ordered—yeas 32, nays 25.

Those who voted in the affirmative, are:

Messrs. Speaker, Alldredge Bell, Benners, Camp, Calhoun, Carroll, Comer, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Garth, Gillam, Hall, Hill, Hubbard, Humphreys, Irwin of Walker, Jay, Lindsey, McBryde, Murphy, Odom, Owen, Robinson, Sanford Vest, Walker of Lauderdale, and Walker of Mobile.

Those who voted in the negative, are:

Messrs. Agee, Allen, Bishop, Brown, Clifton, Creagh, Gibson, Gilbreath, Hanserd, Hays, Inge, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Reynolds, Rhodes, Shelly, Sterritt, Talbert, Thornton, Watkins, Weaver, Webb, Whitsitt and Wills.

The House then resumed the consideration of the vote taken on passing the bill for the relief of Charles Gookin.

Mr. L. P. Walker made the point of order:

That as the vote by which the bill was lost had already been reconsidered, a motion now to reconsider the vote by which the bill was passed was out of order.

Mr. Speaker, (Mr. Curry in the chair,) overruled said point of order; and

Mr. L. P. Walker appealed from said decision, and the yeas and nays were demanded.

And the question "shall the decision of the chair stand as the



decision of the House?" was decided in the affirmative—yeas 45, nays 12.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Allen, Bell, Belser, Benners, Bishop, Brown, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cook, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Garth, Gibson, Gillam, Hanserd, Hubbard, Inge, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Choctaw, Murphy, Newell, Owen, Payne, Reynolds, Robinson, Sanford, Sterritt, Talbert, Thornton, Todd, Vest and Weaver.

Those who voted in the negative are:

Messrs. Abercrombie, Hall, Hays, Hill, Judge, McCall of Barbour, Musgrove, Odom, Pickett, Rutherford, Walker of Lauderdale and Whitsitt.

The question then recurred on the motion to re-consider, and the yeas and nays were demanded.

Carried—yeas 35, nays 34.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Camp, Carroll, Clifton, Comer, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Hanserd, Hubbard, Inge, Irwin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Murphy, Musgrove, Newell, Reynolds, Sanford, Shelly, Skelton, Sterritt, Talbert, Thornton, Vest, Whitsitt and Wills.

Those who voted in the negative, are:

Messrs. Abercrombie, Bell, Belser, Benners, Bishop, Brown, Calhoun, Cochran, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hatcher, Hays, Hill, Humphreys, Jay, Judge, Lindsey, McBryde, Meek, Odom, Owen, Payne, Pickett, Robinson, Rutherford, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Webb.

The question then recurred on the passage of the bill, and the yeas and nays were demanded.

The bill was passed. Yeas 39, nays 35.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Allen, Bell, Belser, Benners, Bishop, Brown, Calhoun, Cochran, Cook, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hatcher, Hays, Hill, Humphreys, Jay, Judge, Lindsey, McBryde, McCall of Barbour, Odom, Owen, Payne, Pickett, Robinson, Rutherford, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Webb.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Camp, Carroll, Clifton, Creagh, Comer, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Hanserd, Hubbard, Inge, Irwin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Murphy, Musgrove, Newell, Reynolds, Sanford,

Shelly, Skelton, Sterritt, Talbert, Thornton, Vest, Whitsitt and Wilkins.

The House then resumed the consideration of the bill,

To change the time of holding the regular sessions of the general assembly of the State of Alabama.

Mr. Payne moved to postpone the further consideration of said bill indefinitely.

Said motion prevailed.

The House then resumed the consideration of the bill reported by the Committee on Ways and Means, making appropriations to the insane hospital.

Mr. Judge moved to suspend the said bill in order to enable him to offer a resolution. Carried.

Mr. Judge then offered the following resolution:

*Resolved*, that hereafter this House will meet every evening at 7 o'clock, p. m., until the day of adjournment, *sine die*.

*Resolved further*, That on Monday evening, the 13th inst., and at 7 o'clock, p. m., on every evening thereafter, at the same hour, messages from the Senate shall be first taken up and disposed of, and this rule shall not be suspended except by a vote of two-thirds, to be ascertained by yeas and nays, or on a division of the House.

Mr. L. P. Walker moved to amend as follows:

*Provided*, This rule shall not interfere with the special orders for half past 7 o'clock to-night.

Mr. Camp moved to amend as follows:

*Provided*, That no member shall be allowed to speak longer than five minutes on any one subject.

The said resolution and amendments were adopted.

And the House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The bill

To alter and amend section 661 of the Code, was read the second time.

Mr. Percy Walker moved to lay said bill on the table, and the yeas and nays were demanded.

Carried—yeas 41, nays 26.

Those who voted in the affirmative, are:

Messrs. Agee, Bell, Belser, Benners, Bishop, Brown, Carroll, Cochran, Comer, Cook, Curry, J. W. Davis, Ervin of Wilcox, Farrior, Findley, Fletcher, Foscue, Fox, Gibson, Gilbreath, Goodin, Hall, Hanserd, Hatcher, Inge, Jay, Johnson, Judge, McBryde, McCall of Choctaw, Meek, Murphy, Owen, Robinson, Sanford, Shelly, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Camp, Calhoun, Clifton, Creagh, W. P. Davis, Foreman, Garth, Hays, A. Holly, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, Musgrove, Newell, Odom, Payne, Pickett, Reynolds, St. John, Todd and Weaver.

The bill

For the protection of minors and lunatics, was read the second time, and referred to the Committee on the Judiciary.

The bills

To repeal an act therein named;

To repeal an act therein named, approved January 27, 1846;

To repeal an act therein named;

To amend section 1255 of the Code;

To authorize James Hammett and Nancy Hammett to sell a certain tract of land therein named.

To amend clause nine, of section three hundred and ninety-seven of the Code;

Relating to the appointment of overseers and apportioners in Sumter county;

To curtail the pay of witnesses in certain cases;

To establish the county line between the counties of Mobile and Washington, and for other purposes, were severally read the second time, and the constitutional rule being suspended, were read the third time forthwith and passed.

The bill to compensate returning officers of elections, was read the second time.

Mr. Pickett moved to lay the said bill on the table. Lost; and the bill was read a third time, under a suspension of the constitutional rule, and the yeas and nays were demanded on its passage.

The bill passed—yeas 48, nays 21.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Belser, Benners, Bishop, Brown, Barnett, Camp, Calhoun, Clifton, Cochran, Comer, Cook, Curry, W. P. Davis, Fletcher, Garth, Gibson, Gilbreath, Hall, Hays, Hill, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Odom, Owen, Payne, Reynolds, Robinson, Rutherford, Sanford, Shelly Skelton, St. John, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver, Webb, Whitsitt and Wills.

Those who voted in the negative are:

Messrs. Alldredge, Carroll, Creagh, J. W. Davis, Ervin of Wilcox, Findley, Foreman, Fox, Goodin, Hanserd, Hatcher, A. Holly, Hubbard, Jay, Johnson, Lindsey, Newell, Pickett, Rhodes, Sterritt, Talbert, Thornton and Watkins.

Ordered, that the same be sent forthwith to the Senate.

The bill to allow all regular graduates of any medical college in the United States to practice medicine, was read the second time.

Mr. Curry moved to amend said bill by way of engrossed rider.

Mr. Fox called for the previous question, and the question, "shall the main question be now put?" was sustained, and the bill was then read third time, under the suspension of the constitutional rule, and passed.

The joint resolution of the general assembly of the State of Alabama, proposing amendments to the constitution of Alabama, was read the second time.

Mr. Percy Walker moved to lay the resolution on the table, and the yeas and nays were demanded.

Lost—yeas 22, nays 50.

Those who voted in the affirmative are:

Messrs. Belser, Benners, Brown, Calhoun, Cowan, Cook, Gibson, Gillam, Hill, Inge, Judge, Lawrence of Cherokee, Owen, Payne, Robinson, Rutherford, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, Whitsitt and Wills.

Those who voted in the negative are:

Messrs. Speaker, Agee, Alldredge, Bell, Bishop, Camp, Carroll, Clifton, Cochran, Comer, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Farrior, Fletcher, Foscue, Fox, Garth, Goodin, Greene, Hall, Hanserd, Hatcher, Hays, A. Holly, Hubbard, Jay, Johnson, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Newell, Pickett, Reynolds, Rhodes, Sanford, Shelly, Skelton, St. Sohn, Sterritt, Talbert, Thornton and Vest.

The question then recurred on ordering the bill to a third reading.

Mr. Hall moved to amend the said bill by striking out "sixty" where it occurs. Lost.

Mr. Cochran offered the following amendment, which was adopted; Provided that four fifths of the members of the legislature, voting by yeas and nays, shall have power to suspend this provision.

The question then recurred on ordering the bill to a third reading, and the same was so ordered.

The hour of 3 o'clock, p. m., having arrived, the House proceeded to the consideration of the reports made by the majority and minority of the Committee on Ways and Means, and the bill reported by the majority of said committee, to tax slave property according to value.

Said bill was read, and the yeas and nays were demanded on the motion to suspend the rule in order to give said bill a second reading forthwith.

The House refused to suspend the rule—yeas 23, nays 52.

Those who voted in the affirmative, are:

Messrs. Speaker, Alldredge, Carroll, Cowan, Curry, Fletcher, Garth, Goodin, Greene, Hubbard, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Murphy, Musgrove, Newell, Pickett, Reynolds, Sanford, Shelly, Vest and Weaver.

Those who voted in the negative, are:

Messrs. Agee, Belser, Benners, Bishop, Brown, Calhoun, Clifton, Comer, Cook, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Foreman, Foscue, Fox, Gibson, Gillam, Hall, Hanserd, Hatcher, Hays, Hill, A. Holly, Inge, Jay, Judge, Johnson, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Odom, Owen, Payne, Robinson, Rutherford, Skelton, St. John, Sterritt, Talbert, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Watkins, Webb and Wills.

The House then refused to order said bill to a third reading.

The bill to make the tax assessor elective by the people, was read the second time.

Mr. Hall moved to lay the bill on the table. Carried.

The bill to provide for lighting the capitol with gas, was read the second time.

Mr. Hubbard moved to lay the bill on the table. Carried.

The Senate bill to exempt certain persons from road duty, was read the second time.

Mr. W. P. Davis moved to lay the bill on the table. Carried.

The bill for the inspection of turpentine, rosin, pitch and tar, was read the second time; and,

On motion of Mr. Hays, was ordered to lie on the table.

The bill to make permanent seat of justice of Coffee county at Elba, and for other purposes, was read the second time and ordered to be engrossed for a third reading on to-morrow.

The joint resolutions, proposing amendments to the constitution and to call a convention, on motion, were made the special order for half past 7 o'clock this evening.

The bill to compensate Samuel F. Rice and Abram Martin, Esqs., for professional services rendered for the State of Alabama, was, on motion of Mr. Hubbard, taken from the table.

Mr. Hubbard moved to amend said bill by way of substitute.

Said substitute was adopted, and the bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Shelly, from the select committee, to whom was referred the bill to provide a summary remedy against plank and turn pike road companies, reported the same back, with amendments.

Said amendments were adopted, and the bill, as amended, was read the third time, under the suspension of the constitutional rule, and passed, and ordered to be sent forthwith to the Senate.

Mr. Lindsey moved that eight additional members be appointed on the Committee on Enrolled Bills. Caried; and the following named were appointed:

Messrs. Webb, Sanford, Carroll, Hays, Shelly, Agee, Foscue and Calhoun.

The bill to provide for the attendance of slaves, as witnesses, and for the compensation of their owners, was read the second time.

Mr. Foscue moved to amend said bill, by striking out the words "fifty cents," where the same occurs in said bill.

Said amendment was adopted.

Mr. Musgrove moved to amend said bill by exempting from its application, the counties of Lauderdale and Marion.

Mr. L. P. Walker move to amend said amendment by striking out Lauderdale.

Said amendment was adopted.

The said amendment, as amended, was then lost, and the bill as amended, was then read the third time, under a suspension of the constitutional rule, and passed.

The bill to incorporate the Colbert Shoals Navigation Company, was read the third time, under a suspension of the constitutional rule, and passed.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary.

EXECUTIVE DEPARTMENT,  
Montgomery, February 13, 1854.

I return to the House of Representatives, the bill to repeal so much of the Code of Alabama as prohibits the circulation of bank bills of other states of less denomination than five dollars. I conceive the law as it now is to be most wholesome and salutary, and when it shall be fully carried into effect, will protect our citizens from great inconvenience and loss. After much labor and difficulty, the country has been mainly relieved, not without great pecuniary loss from the small notes which were once the currency, and in many sections of the State, the irredeemable trash has been replaced by coin. It is an indisputable fact, sustained by all experience on the subject, that whenever a sound and a doubtful currency are in use in any community, the sound will be driven out and the bad be retained, and the people who are subjected to the curse of a doubtful and depreciated circulating medium, are alone responsible for it. One of the main arguments in favor of the establishment of banks in this State, was that we might have a currency subject to our own laws, and that currency would drive out of the country the rag small note currency issued in other States, of the solvency of which we can know nothing, and over which we could exercise no control.

The passage of the bill authorizing the banks of this State, (of doubtful propriety,) to emit small bills of less denomination than five dollars, has taken away the necessity for the passage of the bill now under consideration. The banks of the State can now supply a small note circulation, if indeed any be needed. The immense increase of banks, and the large issues of all banks, admonish all those who are at all observant of the financial affairs of the country, that the bubble is being inflated almost to the bursting point, and that we may reasonably look for bank failures



in a very short time, and, from none sooner than those banks which issue small notes, and send them abroad to circulate.

It is the duty, then, of those clothed with the power of regulating the matter of bank paper, rather to make other guards for the protection of our people, than to destroy those we now have. To see the pernicious effects of a general small note currency, it is only necessary to visit the States which have not been protected by such wise laws as we have on this subject. As we go east, we find a great scarcity of coin for common use. I have seen in the last year, one dollar bills payable eighteen years after date, at six per cent. interest.

The new coinage of silver is now very great, and silver change will soon be in the greatest abundance in every country, where it is not driven out by unwise and ill considered legislation. It is said that experience teaches wisdom. If it is true, we are profiting but little by its admonitions, yet suffering from visionary opinions on the subject of banks—we are so unmindful of the past. I belong to a political party that preferred to look with suspicion on a general currency of bank paper—a party which wished to see a large degree of gold and silver constitute the currency of the country, and permitting banks as a necessary evil for commercial purposes. A change seems to have taken place on that subject. I abide by my original opinions. It may be that the popular voice will not now sustain the grounds I hold on this subject, but I know that the time is soon to come that will test this question. I shall do my duty to the country; confident, that ere long, when the matter is fully tried by time and experience, the truth and correctness of my opinions will be made manifest. I refuse my approval to this bill.

JOHN A. WINSTON.

The question then recurred on the passage of the bill, and the House refused to pass the same.—Yeas 46, Nays 31.

Those who voted in the affirmative are:

Messrs. Alldredge, Bishop, Belser, Camp, Calhoun, Clifton, Cochran Comer, W. P. Davis, Foreman, Gibson, Gilbreath, Gillingham, Goodin Greene, Hanserd, Hays, Hill, A. Holly, Humphreys, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, McBryde, Murphy, Musgrove Newell, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Shelly, Skelton St. John, Todd, Vest, Watkins and Webb.

Those who voted in the negative are:

Messrs. Speaker, Agee, Allen, Bell, Benners, Brown, Carroll, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Hall, Hatcher, Hubbard, Inge, Jay, McCall of Choctaw, Meek, Owen, Rhodes, Sterritt, Thornton, Talbert, Walker of Lauderdale, Walker of Mobile, Weaver and Whitsitt.

Mr. Curry moved to reconsider the vote just taken.

Pending which,

The House adjourned until 7 o'clock this evening.

#### NIGHT SESSION.

The House met pursuant to adjournment.

The House resumed the consideration of the message from the Governor, vetoing the bill repealing so much of the Code as prohibits the circulation of the bank bills of other States of less denomination than five dollars.

The question being on the motion of Mr. Curry to reconsider the vote by which the House refused to pass the bill,

Mr. Ervin of Wilcox made the point of order—

That as the bill was lost previous to its going into the hands of the Governor, and the vote by which it was lost reconsidered, it is now out of order to reconsider the vote by which the bill was lost the second time.

Mr. Speaker (Mr. Judge in the chair) overruled said point of order.

From which decision Mr. Ervin appealed, and

The question, shall the decision of the chair stand as the decision of the House? was decided in the affirmative—Yeas 53, nays 19.

Those who voted in the affirmative are:

Messrs. Abercrombie, Alldredge, Allen, Belser, Bishop, Brown, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, W. P. Davis, Fletcher, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hanserd, Hatcher, Hays, Hill, A. Holly, Horn, Humphreys, Irwin of Walker, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Shelly, St. John, Todd, Vest, Walker of Lauderdale, Watkins and Webb.

Those who voted in the negative are:

Messrs. Agee, Bell, Benners, Creagh, Ervin of Wilcox, Findley, Foscoe, Fox, Hubbard, Inge, Jay, McCall of Choctaw, Meek, Sterritt, Talbert, Thornton, Weaver and Whitsitt.

Mr. Hall raised a point of order,

That it is not in order to reconsider the vote refusing to pass a bill over an executive veto.

Mr. Speaker (Mr. Judge in the chair) overruled said point of order.

Mr. Hall appealed from said decision; and

The question, shall the decision of the chair stand as the decision of the House? was decided in the affirmative—Yeas 51, nays 19.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Alldredge, Allen, Belser, Bishop, Brown,

Camp, Calhoun, Clifton, Cochran, Comer, Cowan, Cook, W. P. Davis, Fletcher, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hanserd, Hatcher, Hays, Hill, A. Holly, Horn, Humphreys, Irwin, of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Newell, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Shelly, St. John, Todd, Vest, Walker of Lauderdale, Watkins and Webb.

Those who voted in the negative, are:

Messrs. Agee, Bell, J. W. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Hall, Hubbard, Inge, Jay, McCall of Choctaw, Meek, Rhodes, Sterritt, Talbert, Thornton, Weaver and Whitsitt.

The question recurred on the motion to reconsider the vote taken on passing said bill; and

Said vote was reconsidered.

The question again recurred on the passage of said bill, and the same was passed—Yeas 52, nays 26.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Alldredge, Allen, Belser, Bishop, Camp, Calhoun, Clifton, Cochran, Comer, Cowan, Cook, Curry, Fletcher, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hanserd, Hays, Hill, A. Holly, Horn, Humphreys, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, Murphy, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, Shelly, St. John, Todd, Vest, Walker of Lauderdale, Watkins and Webb.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Bell, Brown, Carroll, Creagh, J. W. Davis, Wm. P. Davis, Ervin of Wilcox, Findley, Foscue, Fox, Hall, Hatcher, Hubbard, Inge, Jay, Meek, Rhodes, Sterritt, Talbert, Thornton, Weaver and Whitsitt.

Mr. L. P. Walker then moved to reconsider the vote by which the bill to renew the loan of that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road Company; which was laid on the table.

Mr. Benners moved to reconsider the vote adopting the amendment striking out "five" and inserting "two" before years, where the same occurs in said bill.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary:

EXECUTIVE DEPARTMENT,  
Montgomery, February 10, 1854.)

*To the House of Representatives:*

The bill to be entitled an act for the relief of J. T. Weaver, proposes to relieve him from a part of the punishment consequent to a conviction of crime.

Section 171 of the Code declares—persons convicted of certain crimes shall not exercise the elective franchise unless he has been pardoned and restored by such pardon to all the rights of citizenship. The bill to remove the political disability, is an exercise of the power to release or absolve the convict from a part of the penalties he is by law to suffer for crime—a power not conferred by the constitution upon the legislature, but on this department. Even had the legislature authority to remit penalties and fines and to grant pardons, the frequent applications have been made and are being made to the legislature, satisfies my mind of the impropriety of such legislative interference.

I have been so often under the necessity of objecting to bills of a like character, I do not conceive it to be proper to enlarge on any objections that present themselves to me against such legislation.

I herewith return the bill without my approval.

JOHN A. WINSTON.

The question then recurred on the passage of the bill ; and  
On motion of Mr. Hall,

The further consideration of the same was postponed until tomorrow, and to be made the special order for the hour of eleven o'clock, a. m.

Mr. Belser, from the Committee on the Judiciary, submitted the following report on the part of the majority :

#### R E P O R T .

The Judiciary Committee, to whom was referred a resolution of the House, instructing them to report some remedy for the defects in the constitution with reference to the offices of state treasurer and comptroller, state—

That in the case of the Governor *vs.* Frierson and others, decided at the present term of the supreme court, it was held by the court that the 23d section of the 4th article of the constitution, as it was originally adopted by the people in convention, has not been changed by the second amendment to the constitution in 1846.

The language of the section is, “ a state treasurer and a comptroller of public accounts shall be annually elected by the joint vote of both houses of the general assembly.”

The section prescribes no term of office for these officers directly. In this respect it is peculiar ; but the supreme court, in the decision above alluded to, has said that their offices continue only for one year from the date of their election, thus construing the word “ annually ” in the sense in which it is used to embrace the time when they shall be elected and the tenure by which they shall hold their offices.

If the section has not been changed by the second amendment of the constitution in 1846, what then would be its correct interpretation, provided biennial sessions of the general assembly had not been substituted in lieu of annual sessions?

In this aspect, your committee would construe it to mean that a state treasurer and a comptroller of public accounts should be elected at each annual session of the legislature, who must hold their offices for one year from the date of their election; that but one election of these officers could constitutionally take place at any single session of the general assembly.

There being at this time no annual sessions of the general assembly, and this legislature having commenced its session in 1853, which is still continued, and having also in the same year elected a state treasurer and a comptroller of public accounts, the question arises whether it is legal to elect these officers for a second term of one year each, to take effect after the terms they have already, during this session, been elected to fill.

Your committee believe that if annual sessions of the general assembly were still valid, that this legislature would have no right to elect these officers for a second term; but as biennial sessions of the general assembly have been substituted for annual sessions, the argument that this legislature can again elect these officers, to serve for a second term, is entitled to consideration, and it sound on every principle of good policy, should be adopted.

Suppose, however, that this second election of these officers takes place at this session of the legislature, and then it is adjourned *sine die* on the 18th inst. Such an adjournment would fully terminate the session of 1853, and the novel spectacle would be presented of one legislature electing under the constitution a state treasurer and a comptroller of public accounts for two separate and distinct terms and in different years, when the instrument itself, which is organic in character and remains unaltered as to the section in question, declares that they "shall be annually elected by a joint vote of both houses of the general assembly."

By way of further testing the matter, suppose that the Governor, on an "extraordinary occasion," under the 8th section of the 4th article of the constitution, was, by proclamation in December, 1854, to convene the present members of the general assembly, and while in session the first terms of the state treasurer and comptroller of public accounts was to cease, could it be questioned that such a legislature would have the authority, before the expiration of their first, to supply their second terms, although they had been elected a second time at this session? Your committee cannot doubt but that this power would exist in the said legislature, and when exercised by it, that the second election of the said officers at this session, in the year 1854, would be null and void.

But it may be contended that the same body of men who are

now in session would have to sit then. This is no answer to the objection. They might not elect the same individuals to fill the offices; and, from resignations and death, the sentiment of the body might be materially variant from what it is at present.

Your committee state that if the legislature shall conclude under all the circumstances to elect the state treasurer and comptroller of public accounts for the second term at this session, that there is no necessity to require bonds of the said officers, independent of those already given by them, for the faithful discharge of their duties during their first terms of office, as the Code in sections 118 and 130 of the same provides, that the first bond is binding on the securities of such officers while they continue to discharge any of their official duties.

Your committee on examination into those articles of the Code which relate to the state treasurer and comptroller of public accounts find that they are fully recognized as public officers by the legislature of the State; but they still, in drawing the distinction between fundamental laws and mere enactments of the general assembly, perceive a difficulty in the omission so to amend the constitution in 1846 as to provide for their elections biennially instead of annually. Certain is it, that the constitution, without amendment, required them to be elected annually. Since 1846 they have not been elected annually, and does not the failure to elect them annually impair, if not totally destroy their offices? To be concise, can they be elected in any other mode, even if an act of the legislature intervenes, than the one pointed out in the 23rd section of the 4th article of the constitution? or can there be harmony on the subject without a return to annual sessions of the general assembly, or by amending the constitution so as to elect them biennially? Further, if the legislature by law creates or recognizes an office unconstitutionally, would the securities of the principal filling the said office be bound for his official acts? Your committee are persuaded that no obligation of the kind would bind them even if the said principal would be liable to the State in his individual capacity.

Should the legislature deem it most prudent to take no risk in the premises, and to meet the one complained of with the least delay, then your committee report:

That the Governor should convene the legislature in December next by proclamation before the present terms of the state treasurer and comptroller of public accounts expires, in order that they may be elected for a second term, which term would continue until the next biennial session of the general assembly.

That an amendment to the constitution at this session should be submitted to the people to elect a state treasurer and a comptroller of public accounts biennially, instead of annually, as now provided by the constitution, to be voted on by them at the general election in August, 1855, and then to be ratified by the general



assembly at its next biennial session; or that a convention to revise the constitution should be called by the people's representatives in the course of this year that its action might be submitted to the people for their approval, and then to the general assembly at their next session for ratification.

Your committee would here observe that the decision of the supreme court, of which they have several times spoken, shows that there are other amendments save that one in regard to a state treasurer and comptroller of public accounts, which are supposed to have been made to the constitution in 1846, which from gross omissions and many irregularities now form no part of the sacred instrument. Amendments material to the harmony and efficiency of our State system of government, and the absence of which must in the end produce great public confusion.

Your committee will not undertake to recommend to the House any definite course on the subject. Perhaps a State convention, to deliberately revise the constitution might be the most efficient method of performing the work. If so, the authority to regulate such an assemblage rests with the representatives of the people, and also the right to regulate the time and place of its convocation and the number of its members.

The constitution of our State was adopted more than a quarter of a century ago. Frequent efforts of late years have been made to amend it. Some of them have prevailed, others have failed. These amendments are generally not well considered by the people or their representatives, as the proposed amendments of 1846 fully attest. As a measure of safety, would it not be better to bring together, at the instance of this legislature, delegates "fresh from the people," and let them take it up, article after article, and section after section for the purposes of revision?

Your committee would further remark, that there are now joint resolutions before the House proposing so to amend the constitution as to elect a state treasurer and a comptroller of public accounts biennially by the people; and also for the call of a convention to revise the instrument, each of which propositions are under the control of the House, and are awaiting its action.

In making these suggestions your committee are aware of the fact that extraordinary sessions of the legislature and calls for conventions are usually unpopular, but as fundamental laws are in controversy and the treasure of the State in uncertainty, they have thought that it would be best to express to the House the result of their investigation in a candid way, and to leave the future direction of the matter, to the enlightened judgment of the House.

Mr. Cochran, from the Committee on the Judiciary, reported joint resolutions proposing to call a convention to alter and amend the constitution; which were read, and pending the question of ordering the same to a second reading,

The House adjourned until to-morrow morning 9 o'clock.

TUESDAY, February 14, 1854.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Shelly indefinitely.

Mr. Gilbreath introduced a bill to authorize the court of commissioners of roads and revenue of Marshall county to provide for the payment of certain claims.

Mr. Percy Walker introduced a bill to create a body corporate and politic by the name of the Mobile Chamber of Commerce;

Also a bill to regulate the holding of chancery courts in the southern division and to allow decrees to be made in vacation by consent.

Mr. Humphreys introduced a bill to compensate the sheriff of Madison county.

Mr. Newell introduced a bill to elect the county treasurer, county surveyor, tax assessor and coroner of Randolph county by the people.

Mr. Calhoun introduced a bill to increase the pay of regular and tales jurors in the county of Dallas.

Mr. Foreman introduced a bill to allow purchasers of 16th sections in St. Clair county to pay the interest to said county treasurer until the maturity of the last note.

Said bills were severally read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Percy Walker introduced a bill to pay sheriffs in certain cases; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith.

Mr. Percy Walker moved to amend said bill by way of engrossed rider; and,

On motion, the said bill and amendment was ordered to lie on the table.

Mr. Belser introduced a bill to be entitled an act for the relief of Thomas Harrison; which was read and ordered to a second reading;

Also a bill to incorporate the town of Orrville in Dallas county; which was read the first time, and the constitutional rule being suspended the same was read the second and third times forthwith.

Mr. Lindsey moved to amend said bill by way of engrossed rider.

Said rider was lost, and the bill was passed.

Mr. Horn presented the petition of W. S. Deiss, Benjamin P. Millstead, and others of Coffee county; which was referred to a select committee, composed of the delegations from the counties of Coffee and Pike.

Mr. Goodin presented the memorial of Capt. David Owen, and others, in relation to an appropriation, &c., to the Montgomery True Blues; which was referred to the Committee on the Military.

Mr. Newell offered joint resolutions in relation to loaning to Gibson F. Hill, proprietor of the Southern Military Academy, sixty-five cadet muskets, with accoutrements, &c., which was read the first, second and third times, under a suspension of the rule, and adopted.

Mr. Foreman introduced a bill to make Lewis Rhea and Wm. Hammonds, citizens of St. Clair county; which was read.

Mr. Murphy moved to lay said bill on the table. Carried.

Mr. Whitsitt introduced a bill to authorize the opening of private roads in the counties of Sumter, Greene and Marengo; which was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith.

Mr. Calhoun moved to amend the said bill by way of engrossed rider.

Said engrossed rider was read the first, second and third times, and the bill as amended was passed.

Mr. Whitsitt offered joint resolutions on the subject of slavery and the territories of the United States.

Mr. Hubbard moved to lay said resolution on the table. Carried.

On motion of Mr. Whitsitt the bill for the relief of G. W. Grant was taken from the orders of the day, and the same was read the second time, and the constitutional rule being suspended, it was read the third time forthwith, and passed.

Mr. Curry introduced a bill to authorize the trustees of township 21, range 4, to re-sell a part of the 16th section;

Also a bill for the relief of Alonzo Dillard.

Mr. Hall introduced a bill to be entitled an act supplemental to an act to regulate the assessment and collection of taxes.

Said bills were severally read the first time, and the constitutional rule being suspended, were read the second and third times forthwith, and passed.

Mr. Irwin of Walker introduced a bill for the relief of John Larremore, and for other purposes; which was read and referred to a select committee, composed of the delegations from the counties of Fayette and Walker.

Mr. Hall introduced a bill for the relief of John T. Weaver; which was read the first time, and the constitutional rule being suspended the same was read the second and third times forthwith, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Wm. P. Davis introduced a bill to repeal section 3095 of the Code, and for other purposes; which was read and ordered to a second reading.

Mr. Alldredge, (with leave,) from the Committee on Accounts and Claims, reported a bill for the payment of certain claims against the State.

Mr. Judge moved to amend said bill as follows:

To Bates & Gardner the sum of twelve dollars, for publishing proclamation adopting the Code of Alabama.

Said amendment was adopted; and

The bill as amended was read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. J. W. Davis, from the same committee, reported a bill to be entitled an act for the relief of certain persons therein named; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Alldredge introduced a bill to be entitled an act to amend the law of escheats; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. St. John introduced a bill to be entitled an act to appropriate a portion of the two per cent. fund to the Elyton and Beard's Bluff Rail Road Company.

Said bill was read the first, and the constitutional rule being suspended, was read the second time and referred to the Committee on Internal Improvement.

Mr. Hubbard moved to reconsider the vote taken to day by which the joint resolution on the subject of slavery and the territories of the United States was laid on the table.

Said vote was reconsidered, and the said resolutions referred to the Committee on Federal Relations.

Mr. Clifton introduced a bill to be entitled an act for the preservation of game in the counties of Mobile, Baldwin and Washington; which was read the first, and the constitutional rule being suspended, was read the second time.

Mr. Creagh moved to lay the bill on the table.

The motion was lost, and the bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. McCall of Choctaw introduced a bill to be entitled an act to legalize the practice of medicine.

Mr. Creagh moved to amend said bill as follows:

After the word "medicine," insert "law and dentistry."

Mr. Creagh moved to lay said bill and amendment on the table. Carried.

Mr. Murphy introduced a bill to be entitled an act for the relief of R. C. Norman of DeKalb county; which was read the first, and the constitutional rule being suspended, was read the second time.

Mr. Payne moved to amend the said bill as follows:

SEC. 2. *Be it further enacted*, That the provisions of this act shall extend to L. B. Abbott of Tallapoosa county.

Said amendment was lost,

And the question recurred on the passage of the bill, and the yeas and nays were demanded.

The bill was passed—Yeas 44, nays 18.

Those who voted in the affirmative, are :

Messrs. Speaker, Abercrombie, Alldredge Clifton, Cochran, Comer, Cook, Curry, Cowan, W. P. Davis, Findley, Fletcher, Garth, Gilbreath, Goodin, Hall, Hanserd, Hays, Hill, Horn, Humphreys, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Odom, Owen, Reynolds, Rhodes, Robinson, Sanford St. John, Talbert, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Weaver.

Those who voted in the negative, are :

Messrs. Agee, Allen, Bell, Belser, Camp, Calhoun, Ervin of Wilcox, Foreman, Foscue, Fox, Gibson, Gillam, Inge, Jay, Nelms, Payne, Rutherford, Sterritt, Todd and Webb.

Mr. Reynolds introduced a bill to be entitled an act to authorize justices of the peace in the counties of Fayette and Walker to hold their monthly courts at their respective offices separately ; which was read the first, and the constitutional rule being suspended, the same was read the second time.

Mr. Irwin of Walker moved to amend by extending the provisions of the bill to the county of Walker.

Said amendment was adopted ; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Watkins introduced a bill to be entitled an act authorizing the Governor to order elections therein named.

Mr. Benners introduced a bill to be entitled an act for the relief of a certain tax assessor therein named.

Mr. Odom introduced a bill to be entitled an act for the pay of tales jurors for the county of Henry.

Mr. Cowan introduced a bill to be entitled an act to repeal a portion of section 769 of the Code of Alabama in the county of Morgan ; also,

A bill to be entitled an act to change Lane's precinct, in the county of Morgan, to Hampton's, in said county.

Mr. Creagh introduced a bill to be entitled an act to amend the charter of the Marengo Covered or Plank Road Company.

The said bills were severally read the first, and the constitutional rule being suspended, were read the second and third times forthwith, and passed.

Mr. Benners introduced a bill to be entitled an act to repeal so much of section 2022 of the code as requires settlements of guardians to be annual, and for other purposes,

Said bill was read the first, and the constitutional rule being suspended, was read the second time.

Mr. Percy Walker moved to lay said bill on the table, and the yeas and nays were demanded.

Said bill was laid on the table—Yeas 33, nays 28.

Those who voted in the affirmative, are :

Messrs. Abercrombie, Bell, Belser, Bishop, Brown, Calhoun Clif-

ton, Cochran Comer, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fox, Hanserd, Hatcher, Humphreys, McBryde, Nelms, Newell, Pickett, Robinson, Rutherford, Sterritt, Talbert, Thornton, Todd, Walker of Lauderdale, Walker of Mobile and Webb.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Benners, Cowan, Fletcher, Foscue, Foreman, Gibson, Gilbreath, Gillam, Goodin, Greene, A. Holly, Hubbard, Inge, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Meek, Murphy, Odom, Payne, Rhodes, Sanford, St. John, Vest and Whitsitt.

Mr. Camp introduced a bill to be entitled an act to attach five persons therein named to Jefferson county; and

On motion, the further consideration of the same was postponed indefinitely.

Mr. L. P. Walker introduced a bill to be entitled an act to increase the salary of the secretary of state; which was read the first time and ordered to a second reading.

Mr. L. P. Walker presented the petition of Ellen Williamson; which was referred to the Committee on the Judiciary.

Mr. Creagh introduced a bill to be entitled an act to reduce the taxes one third; which was read the first time.

Mr. Hall moved to lay the bill on the table, and the yeas and nays were demanded.

Lost—Yeas 17, nays 55.

Those who voted in the affirmative, are:

Messrs. Bell, Belser, Brown, Camp, Comer, Cook, Fletcher, Hall, Hanserd, Judge, McCall of Barbour, Meek, Owen, Pickett, Walker of Lauderdale, Walker of Mobile and Webb.

Those who voted in the negative, are:

Messrs. Abercrombie, Agee, Alldredge, Allen, Bishop, Clifton, Calhoun, Cochran, Creagh, Curry, W. P. Davis, Ervin of Wilcox, Findley, Foreman, Foscue, Fox, Gibson, Gilbreath, Gillam, Goodin, Greene, Hatcher, Hays, Hill, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Odom, Payne, Reynolds, Rhodes, Robinson, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Whitsitt and Weaver.

Mr. Creagh then moved to suspend the rule to give the bill a second reading forthwith, and the yeas and nays were demanded.

The rule was suspended—Yeas 49, nays 17.

Those who voted in the affirmative, are:

Messrs. Agee, Alldredge, Allen, Benners, Bishop, Camp, Calhoun, Clifton, Cochran, Creagh, Curry, Ervin of Wilcox, Findley, Foreman, Foscue, Fox, Gibson, Gilbreath, Gillam, Goodin, Hays, Hill, A. Holly, Hubbard, Humphreys, Inge, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, Mc-



Call of Choctaw, Murphy, Musgrove, Nelms, Newell, Odom, Payne, Reynolds, Rhodes, Robinson, Sanford, St. John, Talbert, Thornton, Todd, Vest, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Belser, Comer, Cook, J. W. Davis, Fletcher, Hall, Hanserd, Judge, McCall of Barbour, Owen, Pickett, Sterritt, Walker of Lauderdale, Walker of Mobile, Watkins and Webb.

The question recurred on ordering said bill to a third reading, and the same was so ordered.

The House then resumed the consideration of the motion of Mr. L. P. Walker to reconsider the vote by which the bill to renew the loan of that part of the two per cent. fund loaned to the Montgomery and West Point Rail Road Company was laid on the table.

The said vote was reconsidered.

The House then resumed the consideration of the motion of Mr. Benners to reconsider the vote by which the amendment to said bill proposed by Mr. Creagh was adopted.

Said vote was reconsidered.

Mr. Creagh then, with leave, withdrew said amendment.

Mr. Creagh then offered the following amendment to said bill:

*Provided*, That after the expiration of said period of five years, for which said loan is hereby extended, the amount of the principal of said loan shall be loaned to the Alabama and Mississippi Rivers Rail Road Company on the same terms and conditions, for the same length of time that the said loan was originally made to the Montgomery and West Point Rail Road Company.

Said amendment was adopted.

Said amendment, with leave, was then withdrawn.

Mr. Creagh then moved to amend said bill by way of proviso, and the yeas and nays were demanded.

Said amendment was adopted—Yeas 42, nays 27.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Brown, Burnett, Calhoun, Cochran, Comer, Cowan, Creagh, J. W. Davis, Foreman, Gibson, Gillam, Goodin, Hall, Hatcher, Hill, A. Holly, Jay Judge, Lawrence of Choctaw, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Nelms, Owen, Payne, Pickett, Reynolds, Robinson, Talbert, Todd, Walker of Lauderdale, Walker of Mobile, Weaver and Webb.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Bishop, Camp, Carroll, Clifton, Cook, Curry, Ervin of Wilcox, Findley, Fletcher, Foscue, Garth, Greene, Gilbreath, Hanserd, Hubbard, Inge, Lawrence of Fayette, Lindsay, Musgrove, Newell, Rhodes, Sanford, St. John, Sterritt, and Watkins.

Mr. Curry moved to amend said bill as follows:

*Provided*, That if a company at the expiration of the five years for which the loan is extended to the Montgomery and West Point

Rail Road Company, be organized to construct a rail road from Montgomery to Selma, then this company shall receive half of the fund upon the same terms, conditions and restrictions as the fund originally loaned to the Montgomery and West Point Rail Road Company.

Mr. Greene moved to postpone the further consideration of the said bill and amendments until to morrow at 11 o'clock. Lost.

The question then recurred on the amendment proposed by Mr. Curry, and the same was lost.

The question then recurred on ordering the bill to a third reading, and the yeas and nays were demanded.

The bill was so ordered—Yeas 40, nays 30.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Brown, Ben-  
ners, Burnett, Calhoun, Comer, Cook, Creagh, J. W. Davis, Fore-  
man, Gibson, Gilbreath, Gillam, Goodin, Hall, Hatcher, Hays, Hill,  
Humphreys, Irwin of Walker, Judge, Lawrence of Cherokee, Mc-  
Bryde, McCall of Barbour, McCall of Choctaw, Murphy, Nelms,  
Owen, Payne, Pickett, Robinson, Rutherford, Todd, Walker of  
Lauderdale, Walker of Mobile and Webb.

Those who voted in the negative, are:

Messrs. Aldredge, Allen, Bishop, Camp, Carroll, Clifton, Cowan,  
Curry, Findley, Fletcher, Foscue, Fox, Garth, Hanserd, Hubbard,  
Inge, Lawrence of Fayette, Lindsey, Musgrove, Newell, Odom,  
Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert, Vest, Wat-  
kins and Whitsitt.

On motion of Mr. Judge, the bill to explain and fix the times when the chancery courts in the middle division shall be held, was taken from the table and read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hubbard, from the Committee on Federal Relations, submitted a report and joint resolutions in relation to the territories of Nebraska and Kansas, which were made the special order for the hour of 7 o'clock p. m. Said report is as follows:

The Committee on Federal Relations, to whom was referred a resolution of the House instructing them to inquire what action, if any, should be taken by this general assembly in relation to the territorial question now under discussion in Congress,

#### REPORT:

That the territory of Nebraska, now proposed in congress to be divided into the territories of Nebraska and Kansas, according to the present boundary between the Osage and Cherokee Indians, is a portion of the territory of Louisiana, purchased from France in 1803, and that before the purchase was made by the United States, slavery, under the French law, existed in the same from the Gulf of Mexico to its extreme northern and north-western lines; that

the State of Missouri was also originally a part of the territory of Louisiana, and in 1820 applied for admission into the Union as a State; that the anti-slavery men of that day objected to her becoming a member of it, because the law of France recognizing slavery before the cession was incorporated in her constitution; that the difficulty was finally settled by the compromise of 1820, by which it was determined that Missouri should enter the Union as a State, and that thereafter slavery should be prohibited north of 36 deg., 30 min., her northern boundary.

That the same restrictive principle was applied to Texas in 1845, That in 1850 the California issue, and the territories obtained from Mexico renewed the agitation as to slavery. That it was adjusted by the compromise of 1850, a northern measure, reluctantly entered into by a portion of the southern people, and which was understood to be definitive as to all subsequent questions of the kind coming within its letter and intention. That there is already in Nebraska and Kansas a considerable slave population, profitably employed and protected by law. That these territories are the common property of the people of the Union, and that slavery embodies within it the greatest element of southern interest.

Your committee recommend the adoption of the following joint resolutions.

Mr. Hubbard, from the same committee, submitted a report and joint resolutions on the message of the Governor as to the refusal of Georgia to charter a portion of the North-east and South-west Rail Road through her territory; which were made the special order for 7 o'clock, p. m.

Said report is as follows:

The Committee on Federal Relations, to whom was referred the message of the Governor and the accompanying documents in relation to the refusal of the legislature of Georgia to grant a charter to extend the North-east and South-west Rail Road chartered by this State through her territory, report that the North-eastern and South-western Rail Road was chartered by this State with the view of making it a part of the great national route from the large cities of the Union north of it, to the Pacific ocean..

That the present general assembly, at an early period in its session, deputed commissioners to visit the legislature of Georgia, and to ask of it, in a reciprocal spirit, the privilege of entering her borders, and of completing so much of the said North-eastern and South-western Rail Road as might pass through the State, and by this means effect a connection with some of the roads leading to Knoxville, Tennessee.

That the application made by one of the commissioners was refused by the legislature of Georgia, because, if granted, "it would seriously impair the value of her Western and Atlantic and Atlanta and Savannah Rail Roads."

That this State has never refused to grant a request of the kind

made of her by a sister State, and that two of the best rail roads in Georgia are now in a great degree sustained by Alabama patronage.

Your committee, since the message of the Governor with the accompanying documents was referred to them, have been informed that Georgia has recently granted charters to two rail road companies, authorising them to run their roads through her territory nearly on the line of the said North-eastern and South-western Rail Road.

Your committee recommend to the House the adoption of the following joint resolutions.

And the House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The House resumed the consideration of the bill to amend section 397 of the Code.

The question being on the motion of Mr. Whitsitt to lay said bill on the table, when, with leave, the said motion was withdrawn by Mr. Whitsitt.

The question then recurred on the motion of Mr. Comer to amend said bill.

Said amendment was adopted.

The bill, as amended, was then read the third time, and the yeas and nays were demanded on its passage.

The bill passed—yeas 30, nays 29.

Ordered, that the same be sent forthwith to the Senate.

Those who voted in the affirmative, are:

Messrs. Agee, Bell, Brown, Calhoun, Cochran, Comer, Cowan, Cook, Curry, Foscue Gilbreath, Hall, Hill, A. Holly, Jay, Judge, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, Musgrove, Newell, Odom, Payne, Reynolds, Rhodes, Robinson, Todd, Walker of Lauderdale, Watkins and Weaver.

Those who voted in the negative, are:

Messrs. Alldredge, Belser, Benners, Bishop, Camp, Carroll, Clifton, J. W. Davis, Ervin of Wilcox, Fletcher, Foreman, Fox, Gillingham, Goodin, Greene, Hanserd, Hubbard, Inge, Johnson, McBryde, McCall of Choctaw, Sanford, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Webb and Whitsitt.

Mr. Hall, from the Committee on Ways and Means, reported adversely to the bill to require the tax collector to collect only one-half of the taxes under the first assessment under the new Code. Concurred in.

Mr. Hall, from the same committee, reported adversely to the bill to further compensate the several tax collectors of this State. Concurred in.

Mr. Hall, from the same committee, to whom was referred the resolution of the House instructing said committee to inquire into

the effect of making two assessments for the year 1853, reported that under a bill the said committee have reported, recommending a change in the tax year, such assessments will be unnecessary, &c., and asked to be discharged from the further consideration of the said resolution.

The committee was accordingly discharged.

Mr. Alldredge, from the same committee, reported adversely to the bill explanatory of the revenue law, section 391 of the Code of Alabama.

Mr. Jay moved to lay said report on the table. Lost.

The report was then concurred in.

Mr. Alldredge, from the Committee on Ways and Means, reported a bill to be entitled an act making appropriations for the fiscal years 1854 and 1855; which was read.

Mr. L. P. Walker moved to amend said bill as follows:

The sum of five hundred dollars to Brittan & Blue, and two hundred dollars to Bates & Gardiner for reporting the proceedings of the House at its present session.

Mr. Fox moved to amend the bill. Lost.

The question then recurred on the amendment proposed by Mr. L. P. Walker, and the yeas and nays were demanded.

Lost—yeas 21, nays 38.

Those who voted in the affirmative, are:

Messrs. Bell, Belser, Camp, Calhoun, Hatcher, Hill, Humphreys, Irwin of Walker, Jay, Judge, Lindsey, McBryde, Meek, Murphy, Odom, Owen, Pickett, Rhodes, Vest, Walker of Lauderdale and Walker of Mobile.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Bishop, Brown, Carroll, Comer, Cochran, Clifton, Cook, Creagh, J. W. Davis Fletcher, Foreman, Foscue, Gillam, Goodin, Hanserd, A. Holly, Inge, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Payne, Reynolds, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd and Whitsitt.

Mr. Greene moved to amend said bill as follows:

That one dollar per day in addition to the sum now allowed by law be allowed to the door keeper of this House.

Mr. Curry moved the previous question; and the question "shall the main question be now put?" was decided in the negative.

Mr. Foscue moved that the bill be referred to a select committee. Carried.

The bill was so referred, and Messrs. Alldredge, Creagh, Sterritt and Hubbard were appointed said committee.

Mr. Camp, from the Committee on Ways and Means, reported back the bill to survey a rail road connecting north and south Alabama, with amendments.

Mr. L. P. Walker moved to lay said report and bill on the table. Carried.

Mr. Belser, from the same committee, reported adversely to the bill to amend the inequalities of section 391 of the Code of Alabama.

Said report was concurred in.

Mr. Bell, from the same committee, reported adversely to the bill to amend section 3289 of the Code of Alabama, in regard to sampling cotton by slaves or free persons of color.

Mr. Hubbard moved to lay said report and bill on the table. Carried.

Mr. Bell, from the same committee, reported adversely to the bill to change the mode of assessing taxes in Marion county.

Mr. Hubbard moved to lay said report and bill on the table. Carried.

Mr. Talbert, from the Committee on Military, reported adversely to the bill regulating the framings, drills and reviews of militia of Alabama.

Mr. Jay moved to lay said report on the table.

Mr. Jay moved to postpone the further consideration of said bill until to-morrow morning at 11 o'clock. Carried.

Mr. Hall, from the committee on Ways and Means, reported back the bill to prevent evasion of the revenue law, with amendments.

Said amendments were adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Talbert, from the Committee on the Military, reported adversely to the bill to abolish the military system of the State of Alabama, and for other purposes.

Report concurred in.

Mr. Talbert, from the same committee, reported adversely to the bill to authorize the regimental court martial of Hancock county to lay off company beats with less than forty privates.

Report concurred in.

Mr. Meek, from the Committee on Education, reported adversely to the various petitions asking an appropriation to the Graeffenburg Medical Institute, in Tallapoosa county; and also to the bill for the advancement of medical education in Alabama.

Report concurred in.

Mr. Meek, from the same committee, to whom was referred the message of the Governor, transmitting a report of the application of the fund appropriated for the education of the indigent deaf and dumb of this State, and various reports and communications from J. A. Watterson, teacher of the school for the deaf and dumb, have had the same under consideration, and instruct me to report that it appears that the amount appropriated at the last session, for the



indigent deaf and dumb of this State, under the direction of the Executive department, was.....	\$ 5000 00
The receipts from paying pupils have been.....	80 00
	<hr/> 5080 00

The whole number of indigent pupils admitted, has been eight.

The amount allowed for board of seven indigent pupils has been.....\$661 97

The amount allowed for tuition has been.... 500 00-\$1161 97

Leaving a balance unexpended of.....\$3918 03

The committee return the reports and communications of the House, and ask to be discharged from their further consideration.

The said report was concurred in, and the committee discharged.

Mr. HeBryde, from the Select Committee to whom was referred the bill for the relief of B. T. Adkinson, of Coffee county, reported a substitute therefor.

Said substitute was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Alldredge, from the Committee on Ways and Means, reported a bill for the relief of J. T. Martin of Barbour county; which was read the first time, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

Mr. Talbert, from the Committee on the Military, reported back a bill to establish an additional regiment in Cherokee county; which was read the third time, under a suspension of the rule, and passed.

Mr. Talbert, from the Committee on the Military, to whom was referred the bill to define the military beat lines of this State, reported back the same without amendment, and the bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Talbert, from the same committee, to whom was referred the bill to authorize the officers of the sixty-seventh and ninety-ninth regiments of Tallapoosa county to divide said county into three regiments, reported the same back without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Hall, from the Committee on Education, to whom was referred the bill to amend the 16th section of the act to incorporate the Choctaw Male and Female Seminaries, approved 1st February, 1850, reported the same back without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hall, from the same committee, to whom was referred the bill to incorporate the Mountacaloux Male and Female Academy, in the county of Lauderdale reported the same back without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Alldredge, from the Committee on Way and Means, to whom was referred the bill to increase the salaries of the state treasurer and attorney general, reported back a substitute therefor, to increase the salary of the state treasurer.

Mr. L. P. Walker moved to amend said bill by increasing the salary of the secretary of state to 1800 dollars.

Mr. Pickett moved to lay the bill and amendments on the table, and a division of the question was called for.

The question was first taken on laying the amendment to the bill on the table, and the yeas and nays were demanded.

Said amendment was laid on the table.—Yeas 42, nays 27.

Those who voted in the affirmative, are :

Messrs. Agee, Alldredge, Bishop, Camp, Carroll, Clifton, Comer, Cowan, Curry, J. W. Davis, Ervin of Wilcox, Fletcher, Garth, Gibson, Gillam, Goodin, Hanserd, Inge, Jay, Johnson, Lindsey, McBryde, McCall of Barbor, McCall of Choctaw, Murhpy, Musgrove, Newell, Odom, Pickett, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Weaver and Whitsitt.

Those who voted in the negative, are :

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Cochran, Cook, Foreman, Hall, Hatcher, Hill, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Meek, Nelms, Owen, Payne, Rhodes, Robinson, Rutherford, Walker of Lauderdale, Walker of Mobile, Watkins, and Webb.

The question then recurred on ordering the bill to lie on the table, and the same was lost.—Yeas 36, nays 38.

Those who voted in the affirmative are :

Messrs. Agee, Alldredge, Clifton, Comer, Cowan, Curry, J. W. Davis, Fletcher, Foreman, Garth, Gibson, Gillam, Goodin, Hanserd, A. Holly, Horn, Inge, Irwin of Walker, Jay, Johnson, Lawrance of Fayette, Lindsey, McCall of Choctaw, Musgrove, Newell, Odom, Pickett, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Vest and Watkins.

Those who voted in the negative are :

Messrs. Speaker, Abercrombie, Bell, Belser, Benners, Bishop, Brown, Camp, Calhoun, Cook, Creagh, Foscue, Fox, Hall, Hatcher, Hill, Hubbard, Humphreys, Judge, Lawrence of Cherokee, McBryde, McCall of Barbour, Meek, Murphy, Nelms, Owen, Payne, Rhodes, Robinson, Rutherford, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, Webb and Whitsitt.

Mr. Inge moved to amend said bill by striking out "two thousand" where the same occurs, and insert "eighteen hundred," and the yeas and nays were demanded.

Carried.—Yeas 40 nays 28.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Bishop, Brown, Cowan, Calhoun, Carroll, Clifton, Curry, J. W. Davis, Ervin of Wilcox, Fletcher, Foreman, Garth, Gibson, Gillam, Goodin, Hanserd, A. Holly, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Murphy, Musgrove, Newell, Odom, Pickett, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Vest and Watkins.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Bell, Belser, Camp, Cochran, Cook, Foscue, Gilbreath, Greene, Hall, Hatcher, Hill, Hubbard, Judge, McBryde, McCall of Barbour, Meek, Nelms, Owen, Payne, Rhodes, Robinson, Rutherford, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, Webb and Whitsitt.

The question then recurred on the adoption of the substitute reported by the committee, and the yeas and nays were demanded.

Said substitute was adopted.—Yeas 47, nays 20.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Benners, Bishop, Brown, Camp, Calhoun, Cochran, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Foscue, Fox, Gibson, Greene, Hall, Hatcher, Hill, Hubbard, Inge, Judge, Lawrence of Cherokee, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Nelms, Owen, Payne, Rhodes, Robinson, Rutherford, Sterritt, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Webb and Whitsitt.

Those who voted in the negative, are:

Messrs. Alldredge, Carroll, Clifton, Comer, Cowan, Foreman, Garth, Gillam, Goodin, Hanserd, Irwin of Walker, Jay, Lawrence of Fayette, Musgrove, Odom, Pickett, Reynolds, Sanford, St. John and Talbert.

The bill was then read the third time, under a suspension of constitutional rule, and passed.

Ordered, that the same be sent to the Senate forthwith.

Mr. Humphreys moved to reconsider the vote by which the House passed the bill to define the military beat lines in this State.

Said vote was reconsidered and the bill was ordered to lie on the table.

Mr. Hall, from the Committee on Education, reported back the bill to incorporate the Desotoville Male and Female Academy in the county of Choctaw.

The said bill was read the third time, under a suspension of the constitutional rule, and passed.

#### NIGHT SESSION.

The House met pursuant to adjournment.

The House resumed the consideration of the report and joint

resolutions, from the Committee on Federal Relations on the Territories of Nebraska and Kansas.

Said joint resolutions were read and adopted.—Yeas 41, nays 14.

Those who voted in the affirmative are :

Messrs. Spoker, Abercrombie, Alldredge, Belser, Camp, Calhoun, Carroll, Cowan, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Garth, Gillam, Goodin, Hatcher, Hays, Hill, Hubbard, Inge, Jay, Johnson, Judge, Lawrence of Fayette, Lindsey, McCall of Choctaw, Meek, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Rutherford, Talbert, Walker of Lauderdale, Wilkins, Webb and Whitsitt.

Those who voted in the negative are :

Messrs. Agee, Benners, Burnett, Cook, W. P. Davis, Foscue, Greene, Humphreys, Irwin of Walker, Lawrence of Cherokee, Rhodes, Sanford, St. John and Sterritt.

The House then resumed the consideration of the report of the Committee on Federal Relations, on the message of the Governor, as to the refusal of Georgia to charter a portion of the North East and South West Rail Road through a portion of her territory.

Said joint resolutions were adopted.

The house then resumed the consideration of the amendments of the Senate to the bill to protect the health of the towns of Geneva and Elba in Coffee county, and ;

On motion, the said bill and amendmenent were ordered to lie upon the table.

The House concurs in the amendments of the Senate to the following House bills, respectively :

The bill to incorporate the society for the relief of destitute clergymen, and the widows and orphans of deceased clergymen ;

For the payment of certain claims against the State ;

To exempt Enoch A. Allbritton from penalties incurred under section 3095 of the Code of Alabama ;

To incorporate the Selma and Mobile Rail Road Company ;

To incorporate the Central Bank of Alabama ;

To amend the law and to regulate the proceeding in admiralty in Alabama ;

To incorporate the Livingston Ice House Company ;

To incorporate the Wetumpka and Montevallo Rail Road Company ;

To incorporate the North and South-Alabama Rail Road Company ;

To divorce certain persons therein named ;

To provide a summary remedy against plank or turn-pike road companies, and for other purposes ;

Also, the amendment of the Senate to the amendment of the House to the Senate bill to amend section 1805 of the Code in relation to annual settlements.

The Senate bill

To provide for the removal of free negroes from Alabama, was read and ordered to lie on the table.

The Senate bills,

To authorize Robert H. Lake to practice law in the several counties of this State;

For the relief of Edna Hooker of Montgomery county;

To authorize the Governor to subscribe to a map of Alabama to be published by D. W. Jones;

To authorize the removal of notes for the purchase of sixteenth section lands, were severally read, and the constitutional rule being suspended, were read the second and third times forthwith and passed.

The Senate bill

To compensate Charles F. Lockhart for certain services, was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed—Yeas 33, nays 29.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Belser, Brown, Calhoun, Cochran, Comer, Cook, Creagh, J. W. Davis, Goodin, Greene, Hays, Hill, Horn, Hubbard, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Nelms, Odom, Payne, Robinson, Rutherford, Vest, Walker of Lauderdale, Watkins and Weaver.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Benners, Camp, Carroll, Clifton, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Hall, Hanserd, A. Holly, Humphreys, Inge, Jay, Lawrence of Fayette, Murphy, Newell, Pickett, Reynolds, Rhodes, Sanford, St. John, Sterritt, Talbert and Whitsitt.

The Senate bill

For the relief of James G. Carroll for certain services, was read, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed—Yeas 51, nays 9.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Allen, Belser, Benners, Camp, Calhoun, Carroll, Clifton, Cochran, Cook, Creagh, J. W. Davis, Findley, Fletcher, Gibson, Gillam, Goodin, Greene, Hall, Hanserd, Hatcher, Hays, Hill, A. Holly, Horn, Humphreys, Inge, Irwin of Walker, Jay, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Barbour, Meek, Murphy, Nelms, Odom, Payne, Pickett, Rhodes, Rutherford, Sanford, St. John, Sterritt, Thornton, Vest, Walker of Lauderdale, Watkins and Webb.

Those who voted in the negative, are:

Messrs. Alldredge, Burnett, W. P. Davis, Foscue, Hubbard, Lawrence of Fayette, Reynolds, Talbert and Whitsitt.

On motion of Mr. Pickett,

The House proceeded to the consideration of the joint resolutions proposing amendments to the constitution, giving to the

people the election of secretary of state, comptroller of public accounts, &c.

Said resolutions were read the third time and made the special order for to-morrow morning at 10 o'clock.

And the House then adjourned until to-morrow morning at nine o'clock.

WEDNESDAY, February 15, 1854.

The House met pursuant to adjournment.

On motion of Mr. Judge,

The bill extending the loan, &c. to the Montgomery and West Point Rail Road Company, was made the special order for quarter before 10 o'clock, a. m. to-day.

On motion of Mr. Percy Walker,

The House resumed the consideration of the bill to abolish the county of Hancock.

The question recurred on the adoption of the amendment to said bill proposed by Mr. Cochran.

Said amendment was adopted; and

The bill, as amended, was then read the third time, and the yeas and nays were demanded on its passage.

The said bill was passed—Yeas 39, nays 18.

Those who voted in the affirmative, are:

Messrs. Alldredge, Bishop, Brown, Calhoun, Carroll, Cochran, Comer, Cowan, Curry, J. W. Davis, Fletcher Foreman, Gibson, Gilbreath, Greene, Hatcher, Hays, Hill, Hubbard, Inge Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Reynolds, Rhodes, Scott, St. John, Vest, Walker of Mobile and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Allen, Belser, Burnett, Camp, Clifton, Foscue, Fox, Gillam, Goodin, Hanserd, Payne, Pickett, Rutherford, Sanford, Sterritt, Talbert and Thornton.

Mr. Sterritt moved to reconsider the vote by which the bill making appropriations for the fiscal years 1854 and 1855 was referred to a select committee, &c. Lost.

The House then resumed the consideration of the veto message of the Governor and the bill for the relief of John T. Weaver, the question being on the passage of the bill.

Said bill was lost—Yeas none, nays 59.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Allen, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, Findley, Foscue, Gibson, Gilbreath, Gillam, Hall, Hanserd, Hatcher, Hays, A. Holly, Horn, Hubbard, Inge, Irwin of Walker, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy,



Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Mobile, Watkins and Whitsitt.

The House then on motion of Mr. Inge, resumed the consideration of the motion to reconsider the vote by which the House concurred in the adverse report of the Committee on the Judiciary to the bill authorizing executors or administrators, on application to the probate court, to dispose of land warrants.

Said vote was reconsidered, and the bill was read the third time and passed.

#### SPECIAL ORDER.

The hour of a quarter before 10 o'clock having arrived, the House resumed the consideration of the special order for the hour, it being the bill extending loan, &c., to the Montgomery and West Point Rail Road Company.

Mr. Foscue moved to amend said bill by way of engrossed rider as follows:

*Provided*, That the annual interest be paid over to the Alabama and Mississippi Rivers Rail Road Company, on the same terms and conditions as that imposed on the Montgomery and West Point Rail Road Company.

The said engrossed rider was read the first and second times; and

The House refused to order the same to a third reading.

The question then recurred on the passage of the bill, and the yeas and nays were demanded.

Said bill was passed.—Yeas 42, nays 25.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Belser, Benners, Brown, Burnett, Calhoun, Cochran, Comer, Cowan, Cook, Creagh, J. W. Davis, W. P. Davis, Fletcher, Foreman, Gibson, Gilbreath, Gillam, Goodin, Hall, Hays, Hill, A. Holly, Jay, Judge, Lawrence of Cherokee, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Nelms, Newell, Owen, Payne, Pickett, Rhodes, Robinson, Rutherford, St. John, Thornton, Todd, Walker of Lauderdale, and Walker of Mobile.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Bishop, Camp, Carroll, Clifton, Cowan, Curry, Findley, Foscue, Garth, Hatcher, Hanserd, Inge, Irwin of Walker, Lawrence of Fayette, Musgrove, Odom, Reynolds, Sanford, Scott, Sterritt, Talbert, Watkins and Whitsitt.

Ordered, that the same be sent to the Senate forthwith.

The hour of 10 o'clock having arrived, the House resumed the consideration of the joint resolutions proposing amendments to the constitution, &c.

Mr. Percy Walker moved that the further consideration of the

same be suspended to proceed to the consideration of the joint resolutions proposing to call a convention to alter and amend the constitution. Carried.

Mr. Percy Walker moved to re-commit the said joint resolutions to a select committee of five.

Mr. Curry moved to lay the said resolutions on the table, and the yeas and nays were demanded.

Carried—Yeas 44, nays 30.

Those who voted in the affirmative are:

Messrs. Alldredge, Benners, Bishop, Brown, Burnett, Clifton, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Garth, Gibson, Gillam, Hanserd, Hatcher, Hill, A. Holly, Horn, Humphreys, Inge, Jay, Johnson, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Reynolds, Rhodes, Robinson, Sanford, St. John, Sterritt, Talbert, Thornton Todd, Vest, Watkins and Whitsitt.

Those who voted in the negative are:

Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Carroll, Comer, Cowan, Cook, W. P. Davis, Foreman, Foscue, Goodin, Gordy, Hall, Hays, Hubbard, Irwin of Walker, Judge, Lawrence of Cherokee, Lindsey, Odom, Owen, Payne, Pickett, Rutherford, Scott, Walker of Lauderdale and Walker of Mobile.

The House again resumed the consideration of the joint resolutions proposing amendments to the constitution.

The question being on the adoption of said resolutions, a division of the question was called for, and the question was first taken on the adoption of the first resolution.

The same was adopted—Yeas 62, nays 11.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Belser, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Comer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox, Garth, Gilbreath, Goodin, Gordy, Greene, Hall, Hanserd, Hill, A. Holly, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Odom, Owen, Pickett, Reynolds, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale and Whitsitt.

Those who voted in the negative are:

Messrs. Benners, Cowan, Gibson, Gillam, Payne, Rhodes, Robinson, Rutherford, Todd and Watkins.

Mr. Percy Walker made the point of order—

That it requires two thirds of the members elected to the House to adopt resolutions proposing amendments to the constitution; and that therefore the said resolution had not been adopted in the manner prescribed by the constitution.

Mr. Speaker overruled said point of order; and

From which decision Mr. L. P. Walker appealed; and the yeas and nays were demanded; and

The question, shall the decision of the chair stand as the decision of the House? was decided in the affirmative—Yeas 41, nays 31.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Allen, Bell, Belser, Bishop, Camp, Carroll, Clifton, Comer, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Foreman, Fox, Gilbreath, Goodin, Gordy, Hatcher, Hill, A. Holly, Hubbard, Irwin of Walker, Johnson, Judge, McBryde, McCall of Barbour, Meek, Musgrove, Newell, Odom, Pickett, Reynolds, Robinson, Rutherford, Sanford, Scott, Sterritt, Talbert, Todd, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Abercrombie, Benners, Brown, Burnett, Calhoun, Cochran, Cowan, W. P. Davis, Fletcher, Foscue, Garth, Gibson, Gillam, Hanserd, Hays, Horn, Humphreys, Inge, Jay, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Nelms, Owen, Payne, Rhodes, St. John, Thornton, Walker of Lauderdale, Walker of Mobile and Watkins.

The question then recurred on the second resolution, and the same was adopted.—Yeas 61, nays 16.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Belser, Bishop, Brown, Burnett, Carroll, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gilbreath, Goodin, Gordy, Hanserd, Hatcher, Hays, A. Holly, Hubbard, Humphreys, Inge, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Odom, Owen, Pickett, Reynolds, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Abercrombie, Benners, Camp, Calhoun, Clifton, Gibson, Gillam, Hill, Meek, Nelms, Payne, Robinson, Rutherford, Todd and Watkins.

The question then recurred on the adoption of the third resolution, and the same was adopted.—Yeas 61, nays 16.

Those who voted in the affirmative are:

Messrs. Speaker, Alldredge, Allen, Bell, Belser, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gilbreath, Goodin, Gordy, Greene, Hall, Hanserd, Hill, A. Holly, Hubbard, Humphreys, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Odom, Pickett, Reynolds, Rhodes, San-

ford, Scott, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Whitsitt.

Those who voted in the negative are :

Messrs. Abererombie, Agee, Benners, Calhoun, Gibson, Gillam, Inge, Jay, Meek, Nelms, Owen, Payne, Robinson, Rutherford, Todd and Watkins.

The question then recurred on the adoption of the 4th resolution, and the same was adopted.—Yeas 58, nays 12.

Those who voted in the affirmative are :

Messrs. Speaker, Alldredge, Bell, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cook, Creagh, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gilbreath, Gillam, Goodin, Gordy, Hanserd, A. Holly, Horn, Hubbard, Humphreys, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Odom, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Weaver and Whitsitt.

Those who voted in the negative, are :

Messrs. Abercrombie, Agee, Allen, Benners, Curry, Ervin of Wilcox, Gibson, Inge, Meek, Owen, Payne and Watkins.

The question recurred on the fifth resolution, and the same was adopted.—Yeas 69, nays 5.

Those who voted in the affirmative are :

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Benners, Bishop, Brown, Burnett, Camp, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Fletcher, Foreman, Foscue, Fox, Gibson, Gilbreath, Gillam, Gordy, Greene, Hall, Hanserd, Hatcher, A. Holly, Horn, Hubbard, Humphreys, Inge, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Rhodes, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Whitsitt.

Those who voted in the negative are :

Messrs. Abercrombie, Cochran, Ervin of Wilcox, Meek and Thornton.

The question then recurred on the adoption of the sixth resolution, proposing amendments, &c.

Mr. Benners moved to amend said resolution by way of engrossed rider as follows :

By inserting after the word "Florence" "Alabama Whig in Eutaw," and "Sumter county Democrat; also in the Franklin Democrat, and North Alabamian," published in Tusculumbia.

Mr. Curry moved to amend said resolution as follows :

"And shall be published in every county in the State where newspapers are published."

The said engrossed rider was read the first and second times.

Mr. Creagh called for the previous question, and the question, shall the main question be now put? was decided in the affirmative. Yeas 53, nays 17.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Brown, Clifton, Cochran, Comer, Cowan, Creagh, J. W. Davis, Fletcher, Foreman, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hanserd, A. Holly, Horn, Hubbard, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Newell, Odom, Owen, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale and Whitsitt.

Those who voted in the negative, are:

Messrs. Benners, Bishop, Burnett, Camp, Calhoun, Cook, Curry, Humphreys, Findley, Inge, Lawrence of Fayette, Lindsey, McBryde, Meek, Murphy, Sterritt and Watkins.

The question then recurred on the adoption of the said resolution, and the same was adopted.

Ordered, that the said resolutions be sent forthwith to the Senate.

Mr. Alldredge, from the select committee to whom was referred the bill making appropriations for the years 1854 and 1855, reported the same back without amendment.

The question recurred on the adoption of the amendment proposed by Mr. Greene.

When Mr. Greene (with leave) withdrew the said amendment.

Mr. Greene then offered the following amendment:

Provided, that the door-keeper of the House of Representatives and of the Senate be entitled to one dollar each per day in addition to the amount now allowed by law; and the yeas and nays were demanded.

Said amendment was adopted.—Yeas 42, nays 30.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Benners, Camp, Calhoun, Clifton, Cochran, Cowan, Cook, Garth, Gilbreath, Goodin, Greene, Hall, Hanserd, Hatcher, Hill, Horn, Humphreys, Judge, McBryde, Meek, Murphy, Nelms, Odom, Owen, Pickett, Rhodes, Robinson, Rutherford, Scott, St. John, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Weaver.

Those who voted in the negative, are:

Messrs. Alldredge, Bishop, Burnett, Carroll, Comer, Curry, W. P. Davis, Findley, Fletcher, Foreman, Foscue, Fox, Gibson, Gillam, A. Holly, Inge, Jay, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Musgrove, Newman, Payne, Reynolds, Sanford, Sterritt, Thornton, Talbert, Todd and Whitsitt.

Said bill as amended, was then read the third time, under a suspension of the constitutional rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

On motion of Mr. L. P. Walker, all prior orders were suspended, and the House proceeded to the consideration of messages from the Senate.

The Senate bill to be entitled an act for changing the venue in issues pending in the probate courts, was read the first time, and the constitutional rule being suspended was read the second time, and on motion, was laid on the table.

The Senate bill for the relief of certain persons therein named, was read the first time, and the constitutional rule being suspended, was read the second time.

Mr. Cochran moved to amend said bill as follows :

Provided, that nothing in this bill shall authorize a disregard of the provisions of the will of the testator.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bills :

To incorporate the Alabama Bible Society, was read the first time, and the constitutional rule being suspended the same was read the second and third times, and passed ;

For the relief of Augustus Silley of the county of Jackson, was read the first time, and the constitutional rule being suspended, the same was read the second time, and ordered to lie on the table ;

To amend the charter of the Marion Rail Road Company, and to extend said road, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Judge moved to reconsider the vote by which the House ordered the Senate bill for changing the venue in issues pending in the probate courts. Carried.

Mr. Agee moved to amend said bill by striking out 'trial' and inserting 'venue' in the 4th line, and strike out 'circuit' and insert 'probate' in the 6th line. Adopted ; and

The bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bill to authorize the sale of personal property for distribution was read the first time, and the constitutional rule being suspended the same was read the second time.

Mr. Inge moved to amend said bill by an additional section.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bill to exempt from sale, under any legal process, all necessary wearing apparel for the use of each family in this State.



Mr. Curry moved to amend by two additional sections.

Mr. Jay moved to amend said amendment as follows :

Provided further, that no debts between individuals shall be collected after the first day of January, 1855. Lost.

The question then recurred on the amendment proposed by Mr. Curry, and the same was adopted.

Mr. Whitsitt moved to further amend said bill by exempting all poultry on the place.

Said amendment was adopted.

Mr. Fletcher moved to amend by exempting two horses or mules; pending which,

The House adjourned until 3 o'clock this evening.

#### AFTERNOON SESSION,

The House met pursuant to adjournment.

The bills

To repeal section 1163 of the new Code, and to authorize the levying of a road tax in Baldwin county;

To authorize the Governor to issue patents to A. B. McDougald for certain lands therein mentioned, and for other purposes;

To alter and amend section 1116 of the Code of Alabama.

The Senate bills

To authorize Obediah Eason and Susan Eason to sell cakes, beer, &c., within the corporate limits of Dadeville, Tallapoosa county;

To amend the road law in Henry county;

To restrict the county court commissioners of Cherokee county from levying county taxes;

To take the census of the State of Alabama for the year 1855;

To amend section 3137 of the Code of Alabama;

To authorize Zacheriah Isbell to sell and convey his undivided interest in certain lands.

The House bills

To amend section 2824 of the Code of Alabama;

To incorporate the Pickens DeKalb Minute Men;

Declaring Samuel Floyd, a liner between the counties of Montgomery and Pike, a citizen of Pike county;

To revive and amend the charter of the town of Yorkville in Pickens county;

To divide the county of DeKalb into four commissioners' districts;

To incorporate the Troy Fire Company in the county of Pike;

Authorizing the constable of precinct No. 6, in the 42nd regiment of the Alabama Militia, of Pike county to appoint a deputy;

To prevent the sale of intoxicating liquors within three miles of Magnolia Academy in Monroe county;

Exempting volunteers in the Mexican campaign from militia duty;

To declare Elizabeth Gilbreath an inhabitant of Marshall county, and for other purposes;

To authorize the commissioners' courts of roads and revenue of Sumter county to reduce the width of causeways and bridges therein;

To incorporate the ancient order of Hebernians of the city and county of Mobile;

Declaring F. F. Perkins a citizen of Marengo county;

To make Nathan Reaves of Cherokee county a citizen of Benton county;

To amend the charter of the Elba Manufacturing Company in Coffee county;

To extend the jurisdiction of the probate courts, were severally read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Cochran, with leave, introduced a bill to be entitled an act for the further regulation of the collection of sixteenth section notes; which was read the first and second times, under a suspension of the constitutional rule.

Mr. Whitsitt moved to amend said bill as follows:

*Provided*, That any debt now due or falling due in the next two years, may be extended four years on complying with the provisions now provided for securing said notes, on paying the interest annually. Adopted—yeas 37, nays 20.

Those who voted in the affirmative, are:

Messrs. Belser, Benners, Calhoun, Clifton, Creagh, J. W. Davis, W. P. Davis, Findley, Fletcher, Foscoe, Fox, Gibson, Goodin, Giliam, Hall, Hanserd, A. Holly, Hubbard, Humphreys, Inge, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Choctaw, Musgrove, Odom, Payne, Reynolds, Rutherford, Sanford, Sterritt, Talbert, Thornton, Vest, Watkins and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Cochran, Comer, Cowan, Cook, Gordy, Hatcher, Hill, Jay, Judge, McCall of Barbour, Meek, Murphy, Owen, St. John, Todd, Walker of Mobile and Weaver.

Mr. Watkins moved to amend by striking out all after the enacting clause of the first section, and inserting the following:

That hereafter judgment may be obtained against the parties on notes given for school lands, when the amount due is over fifty dollars, by motion in the circuit court of the county where the land lies, in the name of the State, for the use of the proper townships, on sixty days notice of such motion, and producing to the court the certificate of the comptroller that such notes were deposited with him as notes given for school lands.

Said amendment was adopted.

Mr. Cochran moved to amend by striking out "21," where the same occurs in the second section, and insert "5." Adopted.

Mr. Meek moved to lay the bill and amendments on the table.  
Lost.

Mr. Cochran moved to suspend the rule to give the bill a third reading forthwith.

Lost—yeas 26, nays 36.

Those who voted in the affirmative, are:

Messrs. Bell, Belser, Burnett, Cochran, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Fox, Gilbreath, Hall, Humphreys, Johnson, Judge, McCall of Barbour, McCall of Choctaw, Pickett, Rhodes, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Allen, Benners, Bishop, Brown, Camp, Carroll, Clifton, Comer, Foreman, Foscue, Gibson, Gillam, Gordy, Hanserd, Hatcher, A. Holly, Hubbard, Inge, Irwin of Walker, Jay, Lawrence of Cherokee, McBryde, Meek, Musgrove, Nelms, Newell, Payne, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Todd and Vest.

The question then recurred on ordering the bill to a third reading, and the yeas and nays were demanded.

The bill was so ordered—Yeas 33, Nays 22.

Those who voted in the affirmative, are:

Messrs. Bell, Belser, Benners, Burnett, Calhoun, Cochran, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foscue, Fox, Goodin, Hall, Hanserd, Hatcher, Humphreys, Inge, Johnson, Judge, McBryde, McCall of Barbour, Odom, Pickett, Rhodes, Rutherford, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Agee, Alldredge, Allen, Camp, Clifton, Comer, Ervin of Wilcox, Foreman, Gibson, Gillam, Gordy, A. Holly, Hubbard, Irwin of Walker, Jay, Lawrence of Cherokee, Lawrence of Fayette, Meek, Murphy, Musgrove, Nelms, Newell, Payne, Reynolds, Sanford, St. John, Sterritt, Talbert, Thornton, Todd and Vest.

The bills

To attach certain portions of territory and citizens of Covington to Coffee county;

For the payment of the judge of probate, justices of the peace, jurors, witnesses, and other costs in the trial of slaves under sections 3316 and 3317 of the Code of Alabama;

To appropriate certain sums for improvements in the penitentiary, and for other purposes.

The Senate bills

To regulate the taking of testimony in cases in chancery;

To amend section 2447 of the Code;

To authorise James Critcher of Marshall county, to erect a dam across a slough, on south side of Gunter's island;

Joint resolutions to provide for a State seal;

Joint resolutions providing a certain sum of money to defray the expenses of the inauguration of the Governor elect;

And the House bills

To amend a certain section of the Code therein named;

To amend sections 1801, 1825 and 2024 of the Code;

In regard to the collection of interest due to the estate of any minor or person *non compos mentis*, and to provide for annual settlements;

To furnish the field notes of the surveyors of lands of Alabama to each county in the State;

To appropriate a certain sum of money therein named to the lessee of the penitentiary;

To amend section 1946 of the Code;

To amend the Code as to proceedings in chancery;

To authorise the representatives of James Bennett, late of Barbour county, deceased, to sell the slaves belonging to said deceased for division among the heirs, &c.;

To amend the law in relation to sureties;

To amend section 32 of the Code of Alabama;

To repeal certain sections of the Code;

For the relief of Ellison Warner of Coffee county;

For the relief of Benj. F. Tucker, *et al.*, of Coffee county;

To extend the benefit of section 2462 of the Code to widows and minor children;

To facilitate the payment of small debts by increasing the quantity of change in circulation.

Said bills were severally read the second time, and ordered to lie on the table.

The Senate bill

For the relief of John A. Stowe and Isaac H. Stowe, was read the second time, and ordered to a third reading.

The Senate bill

To require the performance of certain duty, therein specified, of the judge of probate of the several counties in this State, was read the second time, and ordered to a third reading.

The Senate bill

To establish an election precinct therein named, was read the second time, and the House refused to order the same to a third reading; so the same was lost.

The bill

For the relief of Dr. Ezekiel Sanders of Pickens county, was read the second time.

Mr. Curry moved to amend said bill as follows:

That P. P. King of Talladega county, and L. B. Abbott of Tallapoosa county, be and they are hereby authorised to practice medicine, and charge and collect fees for the same.

Said amendment was adopted.

Mr. Calhoun moved to lay said bill on the table. Lost.

And the said bill, as amended, was ordered to a third reading.

**The bill**

To amend section 1872 of the Code, was read the second time, and the House refused to order the same to a third reading; so the same was lost.

**The bill**

In part to define the duties of registers and masters in equity, and for other purposes, was read the second time, and the House refused to order the same to a third reading; so the same was lost.

Mr. Foscue moved to reconsider the vote by which the bill to restrict the county court commissioners of Cherokee county in levying county taxes, was ordered to lie on the table. Carried.

Mr. Clifton moved to amend said bill by filling the blank with "fifty per cent."

Said amendment was adopted; and

The bill, as amended, was then read the third time, and passed.

**The bill**

To make James Ochilton and Tilman Walten citizens of Marengo county, was read the second time, and the House refused to order the same to a third reading; so the same was lost.

Mr. Hubbard moved to reconsider the vote just taken on refusing to order said bill to a third reading.

**The bill**

To repeal section 980 of the Code of Alabama, was read the second time and ordered to lie on the table.

The House then adjourned until 7 o'clock this evening.

**NIGHT SESSION.**

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Foscue indefinitely.

Mr. Inge moved to reconsider the vote by which the bill to repeal 980 of the Code was laid on the table.

Said motion was lost.

Mr. Judge moved to reconsider the vote by which the bill making appropriations for the years 1854 and 1855 was passed.

Said motion prevailed.

Mr. Judge then moved to reconsider the vote by which the same was ordered to a third reading. Carried.

Mr. Judge then moved to amend said bill by providing that the assistant secretary of the Senate and the assistant and engrossing clerks of the House each receive the sum of five dollars for each day of this session.

Said amendment was adopted; and

The bill, as amended, was read the third time, and passed.

The House then resumed the consideration of the bill to exempt from sale under any legal process all necessary wearing apparel for each family in this State.

The question being upon the adoption of the amendment proposed by Mr. Fletcher;

Mr. L. P. Walker moved to postpone the further consideration of said bill and amendments until to-morrow. Lost.

Mr. Burnett moved to postpone until Saturday next. Lost.

Mr. Hanserd moved to amend said bill.

Mr. Percy Walker moved the previous question; and the question "shall the main question be now put?" was decided in the affirmative.

Said bill was then ordered to a third reading on to-morrow.

The House concurs in the amendment of the Senate to the bill defining the powers of circuit judges in certain cases, &c.

The Senate bills

To authorise the transfer and burning of certain bank notes of the State Bank and Branches;

To incorporate the North-east and South-west Alabama Rail Road Company;

To amend an act to incorporate the Lowndesboro' Female Institute;

To amend the charter of the town of Florence;

For the relief of E. J. Grier, tax collector of Tallapoosa county;

To provide for the election of an additional constable in the Tuscaloosa election precinct;

To amend the law authorising John W. Cathran to establish a ferry on Coosa river in Cherokee county, approved January 29, 1854.

To authorise the the administrator of Robert Drummond to remove the administration from the county of Russell to the county of Mobile.

To give the election of the county treasurer of Perry county to the people of said county; were severally read the second and third times forthwith, and passed.

The Senate bill

To prevent the betting at pool tables and billiard tables, was read.

Mr. Lindsey moved to lay said bill on the table, and the yeas and nays were demanded.

The said motion was lost—Yeas 6, nays 59.

Those who voted in the affirmative, are:

Messrs. Carroll, Garth, Lindsey, Meek, McBryde and St. John.

Those who voted in the negative, are:

Messrs. Speaker, Abercrombie, Aildredge, Beil, Belser, Ben-  
ners, Bishop, Burnett, Camp, Calhoun, Clifton, Coehran, Cowan, Co-  
mer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wil-  
cox, Findley, Foscue, Fox, Gibson, Gillam, Goodin, Gordy, Greene,  
Hall, Hanserd, Hill, A. Holly, Horn, Humphreys, Inge, Irwin of  
Walker, Jay, Johnson, Judge, Lawrence of Fayette, McCall of  
Barbour, McCall of Choctaw, Murphy, Newell, Odom, Owen,



Payne, Pickett, Reynolds, Rutherford, Sanford, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Whitsitt.

Mr. Lindsey moved to amend said bill by striking out all that provides for the imprisonment of the party convicted.

Mr. Percy Walker moved to amend by exempting from its application, all those who had already procured licenses for such pool tables.

Mr. Meek moved to amend said amendment by inserting "or billiard," before pool.

Said amendment was adopted.

The question then recurred on the adoption of the amendment proposed by Mr. Percy Walker, and the same was lost.

The bill was then read the third time, under a suspension of the constitutional rule, and passed—yeas 62, nays 7.

Those who voted in the affirmative are:

Messrs Speaker, Abercrombie, Alldredge, Bell, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Comer, Cowan, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox, Gibson, Gillam, Goodin, Gordy, Greene, Hall, Hanserd, A. Holly, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Murphy, Nelms, Newell, Odom, Owen, Payne, Pickett, Reynolds, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Cochran, Cook, Wm. P. Davis, Garth, Lindsey, McBryde and Meek.

The Senate bill

Explanatory of the laws concerning the distribution of township funds in certain cases, was read, and ordered to lie on the table.

The Senate bill

Extending aid to certain road companies, was read, and the constitutional rule being suspended, was read the second time.

Mr. Inge moved to postpone indefinitely the further consideration of the said bill.

Said motion prevailed—Yeas 40, nays 29.

Those who voted in the affirmative are:

Messrs. Speaker, Alldredge, Benners, Brown, Camp, Cochran, Clifton, Comer, Creagh, J. W. Davis, Ervin of Wilcox, Foscue, Fox, Gibson, Gillam, Goodin, Gordy, Hall, Hanserd, Hatcher, Hill, A. Holly, Humphreys, Inge, Irwin of Walker, Jay, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Newell, Odom, Payne, Reynolds, Rhodes, Sanford, St. John, Talbert, Thornton, Todd, Vest, Weaver and Whitsitt.

Those who voted in the negative are:

Messrs. Abercrombie, Bell, Belser, Bishop, Burnett, Calhoun,

Carroll, Cowan, Cook, Curry, W. P. Davis, Findley, Fletcher, Garth, Gilbreath, Greene, Horn, Johnson, Judge, McBryde, Meek, Nelms, Owen, Pickett, Rutherford, Sterritt, Walker of Lauderdale, Walker of Mobile and Watkins.

The Senate bill :

To legalize a certain marriage therein named, and to legitamatize the issue, was read, and the constitutional rule being suspended, was read the second time forthwith; and,

On motion of Mr. Curry, the further consideration of the same was postponed until to-morrow morning at half-past 9 o'clock.

The Senate bill :

To amend the charter of the Northern Bank of Alabama at Huntsville, was read, and the constitutional rule being suspended, was read the second time.

Mr. Hall moved to amend said bill as follows :

*Provided*, That the provisions of the second section of this act shall continue in force for the period of two years only.

Said amendment was adopted.

The said bill as amended was then read the third time, under a suspension of the constitutional rule, and passed.

Ordered, that the same be returned forthwith to the Senate.

The Senate bill :

To amend an act incorporating the Gulf and Atlantic Navigation Company, and for other purposes, was read the first, and the constitutional rule being suspended, the second time forthwith.

Mr. Garth moved to amend the said bill by striking out "one hundred," where the same occurs, and insert "silver cup," in lieu thereof.

Said bill, on motion of Mr. Goodin, was ordered to lie on the table.

The Senate bill :

For the compensation of Jordan & Moore, lessees of the Alabama penitentiary, was read the first, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Hall moved to amend the first section of the bill by adding the following :

By adding for monies and clothing advanced under section 3565 of the code, for the years 1852 and 1853.

Adopted.

Mr. Hall moved to amend further by striking out section two, and inserting a substitute therefor requiring the comptroller to draw his warrant in favor of Jordan & Moore for the amount appropriated.

Mr. Meek moved to amend said bill as follows :

SEC. 3. *Be it further enacted*, That all fees or monies from the United States for the keeping of prisoners in the penitentiary of this State shall be paid over into the treasury of this State by the warden of the penitentiary.

On motion of Mr. Curry, said bill and amendments were referred to the Committee on the Penitentiary.

#### PROTESTS.

I voted against the joint resolutions to congress in relation to the Nebraska and Kansas territories, because I conceived them unnecessary as instructions to our senators and representatives, wholly inoperative as to any influence over congress, and utterly incompetent to insure harmony of action among our citizens.

WALTER COOK of Lowndes.

In voting against the resolutions reported by the Committee on Federal Relations, the undersigned did so because of the utter uselessness and folly of passing high-toned resolutions to be abandoned on the first *party* emergency which may arise.

Past experience proves that many southern political "dough-faces" are fierce and defiant on paper, and when the hour of trial comes, shamelessly abandon their own ground.

"On this subject the argument was exhausted long ago. It is time to stand by our arms."

F. F. FOSCUE of Marengo.

The undersigned will not take time to state *all* the reasons which induced them to vote against the resolutions adopted by the House on the 14th day of February, 1854, on the subject of Nebraska and the compromise of 1850. They will content themselves with stating the following reasons for their vote:

First: They deprecate the introduction of resolutions upon such subjects at the present time, into the legislature of any southern State, especially at a period so near the final adjournment as to preclude free and fair discussion without injury to the appropriate business of the State legislature.

Second: The past has recently proved that no reliance is to be placed upon resolutions upon such subjects, and no good can result from them.

Third: Some of the measures known as the compromise of 1850 are indefensible in principle; for instance, the act which declares that if any slave is carried into the District of Columbia for the purpose of being sold, or for the purpose of being placed in depot to be subsequently transferred to any State or place to be sold as merchandize, such slave shall thereupon become liberated and free.

We have never believed that congress had the power, under the constitution, to convert a slave into a free man.

We think that such an act of congress ought not to be on the statute book, to be cited as the actual beginning of the abolition of slavery by congress, and we are not willing to pledge ourselves, in the language of the resolutions, to resist to the uttermost, the re-

peal of any such obnoxious measures. It would be a strange spectacle to see southern slaveholders resisting to the uttermost the repeal of a measure which deprives them of a plain right, and asserts the right of congress to make a slave as free as any white man.

For these and other reasons, which we deem it unnecessary to mention, we voted against said resolutions, and ask that this may be spread upon the Journal of the House, as our protests against the adoption of said resolutions.

WILLIAM P. DAVIS,  
J. M. GREENE.

The House then adjourned until to-morrow morning at 9 o'clock.

THURSDAY, February 16, 1854.

The House met pursuant to adjournment.

Leave was granted to Mr. Pickett to record his vote in the affirmative on the motion to indefinitely postpone the bill making appropriations to rail roads.

Mr. Hatcher, from the Committee on Corporations, reported back the bill to incorporate the Gas Light Company of Selma.

Mr. Curry, from the Committee on Internal Improvement, reported back the bill to incorporate the North-western Rail Road Company, amended.

The amendment was adopted, and the bill read the third time, under a suspension of the rule, and passed.

The House then proceeded to the consideration of the special order, it being the substitute reported by the Committee on Sixteenth Sections for the bill to provide for the extension of the debts now due sixteenth sections.

Mr. Judge moved to amend said substitute by striking out the last section. Adopted.

The said substitute was adopted, and the bill was read the third time and passed.

Mr. Percy Walker, with leave, reported a substitute for the bill for the relief of Eliza Jane Wood, &c.

Said substitute was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Humphreys, from the Committee on the Judiciary, reported back the bill to authorize the executor and executrix of the will of Hiram Ross, deceased, to remove the said estate from this State, without amendment.

The said bill was then read a third time, under a suspension of the rule, and passed.

Mr. Pickett, from the same committee, reported back the bill to regulate the manner by which executors and administrators are to give notice of their appointment, without amendment.

The said bill was then read the third time and passed.

Mr. Hall, (with leave) from the Committee on Banks and Banking, reported back the bill to prevent more effectually the circulation of counterfeit money, without amendment.

The said bill was then read the third time and passed.

Mr. Watkins, with leave, introduced a bill to be entitled an act to authorize William and James Stampfill of Franklin county to erect a certain dam therein named; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

On motion of Mr. Belser, the bill to authorize the sheriff of Montgomery county to employ additional bailiffs, was taken from its order, and read the second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Belser, the bill to enable the county surveyor of Montgomery county to make correct surveys in said county, was taken from its order, and read the second and third times, under a suspension of the constitutional rule, and passed.

Mr. Foreman, with leave, introduced a bill to be entitled an act to change the manner of apportioning the road hands in the county of St. Clair; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Curry, from the Committee on Internal Improvement, reported back the Senate bill to amend an act to incorporate the Alabama and Noxubee (Mississippi) Rail Road Company, without amendment.

The said bill was then read the third time, under a suspension of the rule, and passed.

Mr. Curry, from the same committee, reported back the bill to incorporate the Alabama and East Tennessee Rail Road Company, amended.

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

The House then resumed the consideration of the bill to legalize a certain marriage therein named, and to legitimize the issue.

Said bill was read the third time and passed.

The House then proceeded to the consideration of the bill supplemental to the act to establish a State Hospital for insane persons, approved February 6th, 1852, and the same was ordered to lie on the table.

The House then proceeded to the consideration of the bill to authorize the extension of debts now due, or to become due, to the different sixteenth section funds in this State, and the same was ordered to lie on the table.

Mr. Pickett, from the Committee on the Judiciary, reported back

the bill to authorize Mrs. Catharine Molton, executrix. &c., to purchase certain real estate, amended.

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Carroll moved to reconsider the vote by which the House passed the bill to prevent the betting at pool tables or billiard tables.

Mr. Creagh moved to lay said motion on the table.

Said motion prevailed.

Mr. Hall, from the Committee on Banks and Banking, reported back the bill to repeal in part the act entitled an act approved 9th February, 1852, to amend an act approved 12th February, 1850, to authorize and regulate the business of banking, without amendment.

Said bill was read a third time, under a suspension of the constitutional rule, and passed.

The following message was received from his excellency, the Governor, by his private secretary:

EXECUTIVE DEPARTMENT,  
Montgomery, January —, 1854. }

*To the House of Representatives:*

The bill for the relief of Nancy Pace of Coffee county, proposes to make said Nancy Pace a free dealer.

The law as it now stands, 1998, and following sections, amply provide for all cases properly made out for relief of the nature sought to be conferred by the bill.

I conceive it to be an unsafe and unwise system of legislation, to enact private and special enactments, by which particular individuals are taken from the operation of general and wholesome laws.

The passage of acts re-enacting the provisions of general laws for particular persons, is calculated to cumulate laws upon the same subject, and to bring parties to the legislature, rather than to the courts of justice, for relief, and thus delay the more important business of legislation, by the increase of local and private enactments at a great expense to the State.

Seeing no occasion to re-assert laws already in full force, and believing the whole policy of "free dealing" and a separation of the unity of the domestic relation of families to be pernicious, I decline to sign the bill.

JOHN A. WINSTON.

The question recurred on the passage of the bill, and the same was lost.—Yeas 5, nays 61.

Those who voted in the affirmative, are:

Messrs. Abercrombie, Bell, Comer, Hall, McCall of Barbour.



Those who voted in the negative, are:

Messrs. Speaker, Aldredge, Allen, Belser, Benners, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Cowan, Cook, Creagh, Curry, J. W. Davis, Wm. P. Davis, Findley, Fletcher Foscue, Fox, Gibson, Gilbreath, Gillam, Gordy, Greene, Hanserd, Hatcher, A. Holly, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Choctaw, Meek, Murphy, Nelms, Newell, Odom, Owen, Payne, Pickett, Reynolds, Robinson, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Todd, Walker of Mobile, Watkins, Weaver and Whitsitt.

Mr. Judge reported a substitute for the bill to clear out and remove obstructions from the Conecuh and Sepulga rivers.

Mr. Inge moved to lay said bill on the table. Carried.

Mr. J. W. Davis, from the Committee on Roads, Bridges and Ferries, reported back the bill for the relief of George Rives, without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. J. W. Davis, from the same committee, reported back the bill to authorize James M. Lee to erect gates on a certain road therein named, without amendment;

Also the bill to authorize John C. McGrew to erect gates across a certain road therein named, without amendment.

Said bills were severally read the third time, under a suspension of the constitutional rule, and passed..

Mr. J. W. Davis, from the same committee, reported back the bill to authorize the building a free bridge across Pea river, at the town of Elba in Coffee county, and for other purposes, without amendment.

Mr. A. Holly moved to lay the said bill on the table. Lost.

Said bill was then read the third time, under a suspension of the constitutional rule, and passed.

Mr. Carroll, from the committee on Corporations, reported back the bill supplemental to an act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5, 1852, without amendment.

Mr. Carroll, from the same committee, reported back the bill to repeal a certain act therein named, without amendment;

Also the bill to establish a medical board in Bellfonte in the county of Jackson, without amendment.

Said bills were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. J. W. Davis, from the Committee on Roads, Bridges and Ferries, reported back the bill to enlarge section 1188 of the code, without amendment, and the same was ordered to a third reading.

Mr. Carroll, from the Committee on Corporations, to whom was referred the petition of sundry citizens of Dadeville, Tallapoosa

county, asking the legislature to repeal the act incorporating the said town, and all the acts relating thereto, in order that they may organize under the code, reported a bill in relation thereto, to be entitled an act to repeal an act, &c., &c., which was read, and the constitutional rule being suspended, the same was read the second and third times, and passed.

Mr. Carroll, from the same committee, to whom was referred the bill to incorporate the Southern Insurance Company, reported back the same without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Pickett, the bill for the relief of the securities of John L. Blizzard, late tax collector of Lawrence county, was read the third time and passed.

The following message was received from his excellency, the Governor, by his private secretary:

EXECUTIVE CHAMBER,  
February 13, 1854. }

*To the House of Representatives:*

It has been made known to this department, that John W. Brown, the grand-father and natural guardian of the minor heirs of William A. Brown, Ann E., John L., and William A. Brown, is desirous of becoming guardian of the said minors, and that he, the said John W., is willing to enter into bond to board, school and clothe said minors, and to discharge free of charge or fee all the duties of guardian to the children of his deceased son, Wm. A. Brown. Believing it to be to the interest of the minors, that their property should be in the hands of their grand-father, I am unable to approve of a special law placing it in other hands.

I therefore return, without my approval, the bill which authorizes Lewis Alexander, judge of the court of probate of Macon county, to act as guardian, and submit to the legislative department the propriety of reconsidering the passage of the bill.

JOHN A. WINSTON.

The question recurred on the passage of the bill.

Said bill was lost.—Yeas 24, nays 39.

Those who voted in the affirmative are:

Messrs. Abercrombie, Brown, Burnett, Camp, Calhoun, Comer, Gibson, Gillam, Goodin, Hall, A. Holly, Jay, Judge, Lawrence of Cherokee, McCall of Barbour, Nelms, Odom, Payne, Rutherford, St. John, Sterritt, Watkins and Webb.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Aildredge, Allen, Belser, Bishop, Carroll, Clifton, Cowan, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Garth, Gordy, Hanserd, Hays, Inge, Irwin of Walker, Lawrence of Fayette, Lindsey, McCall

of Choctaw, Meek, Murphy, Musgrove, Newell, Pickett, Rhodes Robinson, Sanford, Scott, Talbert, Thornton, Todd, Vest and Whitsitt.

Mr. Percy Walker offered the following resolution, which was adopted :

*Resolved*, That with the concurrence of the Senate, the two houses will meet in the hall of the House of Representatives, at 11 o'clock, a. m., for the purpose of electing a superintendent of education.

Mr. J. W. Davis, from the Committee on Roads, Bridges and Ferries, reported back the bill to amend and extend the provisions of the act approved 6th January, 1845, without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed :

Also the bill from the Senate to erect a bridge across Tallapoosa river in Tallapoosa county, without amendment ;

Also the bill exempting practicing physicians from road duty, without amendment.

Said bills were severally read the third time, under a suspension of the constitutional rule, and passed.

#### SPECIAL ORDER.

The House then resumed the consideration of the special order, it being the bill to regulate the training, drills and reviews of the militia of Alabama ; when,

On motion of Mr. Speaker, (Mr. Judge in the chair,) the same was ordered to lie on the table.

Mr. J. W. Davis, from the Committee on Roads, Bridges and Ferries, reported adversely to the bill to enable A. Little and others to turnpike a certain road ;

Also to the petitions of A. B. Hloosa and others, praying for a road tax in lieu, &c. ;

Also to the petition of Martha Averett and others, for a ferry, &c. ;

Also the petition of Robert Pearce and others, praying for a re-charter of Clack's turnpike road, &c.

Said Reports were severally concurred in.

Mr. J. W. Davis, from the same committee reported back the bill to amend the road laws, without amendment.

Said bill was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. J. W. Davis moved to amend said bill by an additional section.

Said amendment was adopted, and the bill as amended, was read the third time, under a suspension of the rule, and passed.

Mr. Carroll, from the Committee on Corporations, reported adversely to the bill to protect travellers and way-fairing men.

Mr. St. John moved to lay the said report on the table. Lost.  
Said report was then concurred in.

Mr. Carroll, from the same committee, reported back the bill to amend an act approved on the 1st day of March, 1848, entitled an act to incorporate Oak Hill Academy in the county of Wilcox, amended by striking out the second section.

Mr. Fox moved to lay the report of the committee and the amendment on the table. Carried.

Said bill was then read the third time, under a suspension of constitutional rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

Mr. Comer, from the Committee on Banks and Banking, to whom was referred the petition of George J. Colquin, reported adversely thereto.

Said report was concurred in, and leave granted to Mr. Witsitt to withdraw the papers.

Mr. Comer, from the Committee on the State Bank and Branches, to which was referred the petition of John M. Evans and A. C. Harrison, reported adversely thereto;

Also reported adversely to the claim of P. D. Roddey.

Said reports were severally concurred in.

On motion of Mr. Cowan, the Senate bill to incorporate the town of Larkinsville, was taken from its order and read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Lindsey, the Senate bill to loan a certain sum to LaGrange College, was taken from its order and read the first and second times forthwith, under a suspension of the constitutional rule.

Mr. Alldredge moved to amend said bill by striking out "six" before "per cent.," and insert "eight."

Said amendment was lost; and the bill was read the third time, under a suspension of the constitutional rule, and passed.

The engrossed bills

For the relief of S. F. Hail, late tax collector of Shelby county, and his securities;

For the relief of Isaac Smith of Covington county;

To incorporate the Augusta, Atlanta and Nashvill Magnetic Telegraph Company;

For the benefit of securities and accommodation endorsers;

To amend section 1354 of the code of Alabama;

To provide for the compensation of witnesses required to attend upon the court of county commissioners;

To repeal and substitute section 2572 of the Code of Alabama;

To repeal and substitute section 2466 of the Code of Alabama;

To amend section 3297 of the Code of Alabama;

To repeal the second section of an act therein named;

The Senate bill

To compensate jurors in certain cases;

For the relief of James Jones, a free person of color, were severally read the third time and passed.

**Engrossed bill**

To remove the Colbert shoals in the Tennessee river, was read the third time and the House refused to pass the same.—Yeas 24, nays 40.

Those who voted in the affirmative are:

Messrs. Speaker, Allen, Bell, Belser, Bishop, Cochran, Cowan, Cook, Curry, Fletcher, Garth, Hanserd, Hubbard, Humphreys, Judge, Lindsey, Meek, Murphy, Owen, Rhodes, Walker of Lauderdale, Walker of Mobile, Watkins and Weaver.

Those who voted in the negative are:

Messrs. Abercrombie, Agee, Alldredge, Burnett, Camp, Calhoun, Clifton, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Foreman, Foscue, Gibson, Gillam, Goodin, Gordy, Hatcher, Hays, Hill, A. Holly, Horn, Inge, Irwin of Walker, Jay, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Payne, Reynolds, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd and Whitsitt.

**The engrossed bill**

To remove obstructions in Pea river, was read the third time; and

The House refused to pass said bill.—Yeas 30, nays 38.

Those who voted in the affirmative, are:

Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Bishop, Burnett, Calhoun, Cochran, Comer, Cook, Curry, Fletcher, Gordy, Hall, Hays, Hill, Horn, Humphreys, Jay, Judge, Lindsey, McCall of Barbour, Nelms, Owen, Rhodes, Robinson, Todd, Walker of Lauderdale, Walker of Mobile and Weaver.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Benners, Camp, Clifton, Cowan, J. W. Davis, W. P. Davis, Ervin of Wilcox, Foscue, Garth, Gibson, Gillam, Goodin, Hanserd, Hatcher, A. Holly, Hubbard, Inge, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McCall of Choctaw, Murphy, Musgrove, Newell, Odum, Payne, Reynolds, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Webb and Whitsitt.

**The Senate bill**

To divide the State into seven congressional districts, was read the third time.

Mr. Jay moved to postpone the further consideration of said bill indefinitely.

Mr. Meek moved the previous question; and

The question, shall the main question be now put? was decided in the affirmative—Yeas 52, nays 23.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Bishop, Brown, Clifton, Cochran, Comer, Cowan, Creagh, Curry, Ervin of Wilcox,

Fletcher, Foreman, Fox, Garth, Gibson, Gillam, Goodin, Gordy, Hanserd, Hill, Hubbard, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Owen, Payne, Pickett, Reynolds, Rhodes, Rutherford, Sanford, Scott, St. John, Sterritt, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Watkins, Weaver and Webb.

Those who voted in the negative are :

Messrs. Abercrombie, Belser, Burnett, Cook, J. W. Davis, Findley, Foscue, Hall, Hatcher, A. Holly, Horn, Inge, Jay, Judge, McCall of Barbour, Odom, Talbert and Whitsitt.

The question then recurred upon the passage of the bill, and the yeas and nays were demanded.

The bill passed—Yeas 50, nays 22.

Those who voted in the affirmative, are :

Messrs. Speaker, Agee, Alldredge, Allen, Bell, Bishop, Brown, Clifton, Comer, Cowan, Creagh, Curry, Ervin of Wilcox, Fletcher, Foscue, Fox, Garth, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Hill, Hubbard, Humphreys, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Meek, Murphy, Musgrove, Newell, Owen, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Scott, St. John, Sterritt, Thornton, Todd, Walker of Mobile, Watkins, Weaver and Webb.

Those who voted in the negative, are :

Messrs. Abercrombie, Belser, Benners, Burnett, Camp, Calhoun, Cochran, Cook, J. W. Davis, Findley, Hall, Hatcher, Hays, A. Holly, Inge, Jay, Judge, McCall of Barbour, Nelms, Odom, Talbert and Whitsitt.

The engrossed bill

To repeal an act prohibiting the sale of spirituous liquors in the town of Elyton, or within two miles, and for other purposes, was read the third time and passed—Yeas 36, nays 30.

Those who voted in the affirmative, are :

Messrs. Speaker, Abercrombie, Alldredge, Allen, Bell, Bishop, Camp, Clifton, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Garth, Gillam, Goodin, Greene, Hanserd, Hatcher, Hays, A. Holly, Hubbard, Inge, Irwin of Walker, Jay, Lawrence of Fayette, Lindsey, Murphy, Musgrove, Newell, Reynolds, Rhodes, Robinson, Sanford, Vest and Watkins.

Those who voted in the negative are :

Messrs. Belser, Calhoun, Comer, Cowan, Creagh, Fletcher, Fox, Foscue, Gibson, Gordy, Hall, Hill, Horn, Inge, Lawrence of Cherokee, McCall of Barbour, McCall of Choctaw, Meek, Nelms, Owen, Pickett, Rutherford, Scott, Sterritt, Thornton, Weaver and Whitsitt.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary :

Mr. Speaker : His excellency, the Governor, has approved the following bill which originated in the House :



An act to establish and maintain a system of free public schools in Alabama.

### PROTEST.

I voted against the resolutions adopted by the legislature on the 14th day of February, in relation to the Nebraska territorial question now under discussion in Congress, because I thought their introduction and adoption impolitic. Experience proves that all such resolutions fail to produce harmony among ourselves or to restrain unjust and unconstitutional legislation by Congress.

A studied silence on the part of the South will have more effect than all our legislative resolutions in restraining abolition encroachments. The time for argument and remonstrance has passed.

N. A. AGEE,  
of Monroe.

And the House then adjourned until this evening at 3 o'clock.

### AFTERNOON SESSION.

The House met pursuant to adjournment.

Mr. Judge moved to suspend all prior orders to proceed to the consideration of Senate bills on their second reading. Carried.

The Senate bills,

To amend the city charter of Selma;

To authorize the removal of the property of the estate of John W. Ortezt, deceased;

To authorize the incorporation of benevolent and charitable associations;

Declaring Turkey creek, in the county of Baldwin, a public highway;

To give additional power to the corporate authorities of the town of Cusseta;

For the relief of J. P. Russell of Jackson county;

For the relief of Mary Ann Alexander of Autauga county, were severally read, and the constitutional rule being suspended, were read the second and third times forthwith and passed.

The Senate bill

To amend the first clause of section 2182 of the Code, in relation to bail in certain cases, was read the first time, and the constitutional rule being suspended, was read the second time and ordered to lie on the table.

The Senate bills,

To repeal section 2330 of the Code of Alabama, and for other purposes;

To amend section 1186 of the Code of Alabama;

To amend section 2824 of the Code of Alabama;

To appropriate a certain sum of money therein named to the

lessee of the penitentiary, were severally read, and the constitutional rule being suspended, were read the second time and ordered to lie on the table.

The Senate bill

Declaring Wm. D. Morgan and Mary S. Woolfork liners between the counties of Russell and Macon, was read, and the constitutional rule being suspended, the same was read the second time.

Mr. Calhoun moved to amend said bill by striking out "Morgan" and insert "Hargrove." Adopted; and

The said bill, as amended, was read the third time, under a suspension of the rule, and passed.

The Senate bill

To authorize justices of the peace to act as notaries in certain cases, was read, and the constitutional rule being suspended, the same was read the second and third times forthwith.

Mr. Judge moved to amend said bill by way of engrossed rider.

Said engrossed rider was read the first, second and third times, and the bill, as amended, passed.

The following message was received from the Senate by Mr. Nicholson:

Mr. Speaker: The Senate concurs in the resolution of the House, proposing to assemble in the hall of the House on Friday next, at 11 o'clock, for the purpose of electing a superintendant of education.

The following message was received from his excellency the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved the following bills which originated in the House:

An act to repeal section 2502 of the Code, and to modify the operations of the statute of limitations;

An act for the relief of John G. Hall;

An act to authorize John C. Whitsitt and Benj. Borden to erect gates across a road therein named;

Joint resolutions proposing a cession of West Florida to Alabama;

An act to incorporate the German Fusileers' Benevolent Society of Mobile;

An act to incorporate the Broad Street Hotel Company of Selma;

An act to fix the pay of the probate judge and sheriff of Dale and Henry counties;

An act to amend the road law in the counties of Pickens, Dale, Autauga, Henry and Dallas;

An act to amend and explain the charter of the Mobile and Springhill Plank and Shell Road Company;

An act for the relief of James Martin, tax collector of Dale county;

- An act for the preservation of game;
- An act to incorporate a cemetary company in the county of Mobile;
- An act to incorporate the Montgomery Gas Light Company;
- Joint memorial to Congress asking an appropriation of lands for a geological survey of the State;
- An act to divorce certain persons therein named;
- An act to consolidate the offices of assessor and tax collector in the county of Walker;
- An act to repeal an act entitled an act to provide for the compensation of jurors and witnesses in the county of Tuscaloosa;
- An act for the relief of Miles Rea;
- An act to define the line between DeKalb, Jackson and Marshall counties;
- An act to regulate the practice in the circuit courts in the counties of Washington and Baldwin;
- An act to prevent the deposit of dead animals in the streams of this State;
- An act defining the liabilities of overseers and apportioners to perform road duties in the county of Tuscaloosa.
- A message from his excellency, the Governor, by Mr. Whitfield, his private secretary:
- Mr. Speaker: His excellency, the Governor, has approved the following bills which originated in the House of Representatives:
- An act to repeal section 2464 of the Code;
- An act to amend the school law of Mobile county;
- An act to regulate the election and compensation of commissioners of roads and revenue in the county of Covington;
- An act to regulate the practice in the justices courts in the county of DeKalb;
- An act to authorize the executors of Claiborne Myers, deceased, to remove the administration of said estate from the county of Autauga to the county of Montgomery;
- An act requiring justices of the peace and constables of Lowndes county, in their respective beats, to act as apportioners and supervisors of roads, and for other purposes;
- An act to amend the charter of the Gainesville and Mississippi Rail Road Company;
- An act to lay off Cherokee and Lauderdale counties into four commissioners' districts, and for other purposes therein mentioned;
- An act to furnish the judge of probate of Coffee county with the Alabama Reports;
- An act to increase the compensation of the members of the commissioners' court of Russell and other counties;
- An act to regulate the pay of jurors and witnesses in Dale county, &c.;
- And returns a bill to be entitled an act to authorize Lewis Alexander, judge of probate of Macon county, to act as guardian; and with it his objection to the same.

A message from his excellency, the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved the following bills, which originated in the House of Representatives:

An act for the relief of James Lumpkin, an Indian;

An act to fix the boundary line between the counties of Cherokee and Benton;

An act to authorize the loan of cadet muskets to a certain academy;

An act to authorize the administrators on the estate of James J. Pleasants, deceased, late of the county of Madison, to make credits of said decedents therein named;

An act to regulate the sale of sixteenth section, township 14, and range 24, of Mocon county;

An act to declare Henry Criswell a liner between the counties of Talladega and Benton, and for other purposes;

An act to authorize the probate judge of Madison county to act as guardian in certain cases;

An act to authorize Mrs. Mary Marshall, administratrix of A. Marshall, deceased, to sell certain real estate therein named;

An act for the relief of Patrick May;

An act to incorporate the Alabama River Pilots' Association;

An act to extend the charter of the Alabama Life Insurance and Trust Company of Mobile;

An act to authorize Lewis Gholson, administrator in right of his wife, to remove certain property to the county of Autauga;

An act to repeal certain acts therein named;

An act in relation to the officers of the penitentiary;

An act for the relief of James Williams, tax collector of Franklin county, appropriating \$114.

The Senate bill

To make further appropriation for the completion of the Alabama Insane Hospital, was read, and the constitutional rule being suspended, was read the second time.

Mr. Foreman moved to amend said bill as follows:

Provided, that the contractors give a bond and ample security to the Governor, that the sum hereby appropriated shall complete the building and inclosure ready for the reception of the Insane.

Mr. Foscue moved the previous question, and the question, shall the main question be now put? was decided in the negative.—Yeas 20, nays 52.

Those who voted in the affirmative, are;

Messrs. Alldredge, Allen, Camp, Clifton, Cowan, W. P. Davis, Foscue, Goodin, Greene, Hall, Hanserd, Hays, Lawrence of Cherokee, Lawrence of Fayette, Newell, Payne, Reynolds, Robinson, Scott, St. John and Vest.

Those who voted in the negative are:

Messrs. Bell, Belser, Benners, Bishop, Brown, Burnett, Calhoun,

Carroll, Cochran, Comer, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Fox, Garth, Gibson, Gilbreath, Gillam, Gordy, Hill, A. Holly, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Lindsey, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Odom, Owen, Rhodes, Rutherford, Sanford, Sterritt, Talbert, Thornton, Todd, Watkins, Weaver and Whitsitt.

The question then recurred on the adoption of said amendment, and the same was adopted. Yeas 40, nays 28.

Those who voted in the affirmative, are:

Messrs. Speaker, Bishop, Carroll, Clifton, Cochran, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Foreman, Foscue, Fox, Garth, Gilbreath, Gibson, Greene, Hanserd, Hays, A. Holly, Horn, Humphreys, Jay, Lawrence of Cherokee, Lawrence of Fayette, Murphy, Newell, Odom, Payne, Pickett, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Vest and Weaver.

Those who voted in the negative, are:

Messrs. Alldredge, Abercrombie, Allen, Bell, Belser, Benners, Burnett, Camp, Ervin of Wilcox, Gordy, Hall, Hill, Hubbard, Inge, Judge, Lindsey, McCall of Choctaw, Meek, Musgrove, Nelms, Owen, Reynolds, Rhodes, Robinson, Thornton, Todd, Walker of Mobile, Watkins and Whitsitt.

Mr. Creagh moved to amend the said bill by striking out all after the enacting clause and inserting a substitute therefor.

Mr. Meek moved the previous question, and the question, shall the main question be now put? was decided in the negative.

Mr. Lawrence of Fayette moved to postpone indefinitely the further consideration of the said bill and amendment. Lost.

Mr. Alldredge moved to amend said bill as follows:

Provided, that the contractors shall furnish a good and suitable house for the superintendent, and a suitable railway and fixtures for the same to recreate the inmates, and a suitable set of musical instruments, and a library suitable for such an institution.

Said amendment was lost.

The House then adjourned until 7 o'clock this evening.

#### NIGHT SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to the call:

Messrs. Speaker, Alldredge, Agee, Bell, Benners, Bishop, Brown, Camp, Clifton, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hall, Hanserd, Hays, Hill, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of

Choctaw, Murhpy, Musgrove, Nelms, Newell, Owen, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Mobile, Watkins, Webb and Whitsitt.

The House then resumed the consideration of the bill to make further appropriation for the completion of the Alabama Insane Hospital.

Mr. Speaker (Mr. Curry in the chair) moved to reconsider the vote by which the House adopted the amendment proposed by Mr. Foreman.

Said motion prevailed.—Yeas 42, nays 24.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Bell, Bishop, Brown, Camp, Calhoun, Comer, Creagh, Curry, Ervin of Wilcox, Findley, Fox, Garth, Gibson, Gilbreath, Gillam, Gordy, Hill, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Lawrence of Cherokee, Lindsey, McCall of Choctaw, Musgrove, Nelms, Odom, Owen, Payne, Pickett, Rutherford, Thornton, Todd, Walker of Mobile, Watkins, Webb and Whitsitt.

Those who voted in the negative are:

Messrs. Alldredge, Carroll, Clifton, J. W. Davis, W. P. Davis, Fletcher, Foreman, Goodin, Greene, Hall, Hanserd, A. Holly, Irwin of Walker, Lawrance of Fayette, Murphy, Newell, Reynolds, Rhodes, Robinson, Sanford, Scott, St. John, Talbert and Vest.

Mr. Creagh then (with leave) withdrew his proposed amendment to said bill.

The question then recurred on the adoption of the amendment proposed by Mr. Foreman.

Mr. Hubbard moved to amend said amendment by striking out after the word "provided" and inserting a substitute therefor.

Said substitute was adopted.

The question then recurred on the adoption of the amendment as amended, and the same was adopted.

Mr. Hall then moved to amend said amendment by an additional proviso.

Mr. Creagh moved the presvious question, and the question, shall the main question be now put? was decided in the affirmative.—Yeas 40, nays 25.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Bell, Benners, Bishop, Brown, Camp, Calhoun, Clifton, Comer, Creagh, Ervin of Wilcox, Findley, Fox, Garth, Gibson, Gilbreath, Gordy, Greene, Hanserd, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Musgrove, Nelms, Odom, Owen, Payne, Pickett, Thornton, Todd, Walker of Mobile, Webb and Whitsitt.

Those who voted in the negative, are:

Messrs. Alldredge, Carroll, Curry, J. W. Davis, W. P. Davis, Fletcher, Foreman, Gillam, Goodin, Hall, Hanserd, A. Holly, Ir-



win of Walker, Lawrence of Cherokee, Newell, Reynolds, Rhodes, Robinson, Sanford, Scott, St. John, Sterritt, Talbert, Vest and Watkins.

The said bill as amended was then ordered to be engrossed for a third reading on to-morrow.—Yeas 37, nays 30.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Bell, Benners, Bishop, Camp, Calhoun, Comer, Creagh, Curry, Ervin of Wilcox, Lindley, Fox, Garth, Gilbreath, Gordy, Greene, Hill, Hubbard, Humphreys, Inge, Jay, Johnson, Judge, McCall of Barbour, McCall of Choctaw, Meek, Nelms, Odom, Owen, Pickett, Todd, Walker of Mobile, Watkins, Webb and Whitsitt.

Those who voted in the negative, are:

Messrs. Alldredge, Carroll, Clifton, J. W. Davis, W. P. Davis, Fletcher, Foreman, Gibson, Gillam, Goodin, Hall, Hanserd, A. Holly, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Murphy, Musgrove, Newell, Reynolds, Rhodes, Robinson, Sanford, Scott, St. John, Sterritt, Talbert, Thornton and Vest.

And, on motion of Mr. Percy Walker, the same was made the special order for half after 9 o'clock, a. m. on to-morrow.

The House concurred in the amendment of the Senate to the House bill, making appropriations for the fiscal years of 1854 and 1855, in striking out 'fifteen hundred' and inserting 'eighteen hundred' for the State treasurer.

The House also concurred in the amendment to said bill, declaring that the clerks and secretaries and door-keepers of each House shall be entitled to their regular pay during the recess of the legislature.—Yeas 36, nays 22.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Bell, Camp, Carroll, Clifton, Cook, Creagh, Curry, J. W. Davis, Fletcher, Gordy, Gilbreath, Greene, Hall, Hill, Hubbard, Humphreys, Irwin of Walker, Jay, Judge, Lindsey, Meek, Murphy, Odom, Owen, Pickett, Reynolds, Rhodes, Robinson, Todd, Vest, Walker of Mobile, Watkins, Webb and Whitsitt.

Those who voted in the negative, are:

Messrs. Alldredge, Benners, Comer, W. P. Davis, Ervin of Wilcox, Foreman, Fox, Garth, Gibson, Gillam, Hanserd, Hatcher, A. Holly, Inge, McCall of Choctaw, Newell, Payne, Rutherford, Sanford, St. John, Sterritt and Talbert.

The Senate bills

In relation-to road working in Randolph county;

Supplemental to an act relating to the burnt records of Butler county, approved January 13, 1854;

To incorporate the South Alabama Mining, Manufacturing and Transportation Company;

To incorporate the village of Warrior Stand in Macon county;

Requiring the Governor to cause patents to issue to Wells Goodwin and John Day for certain lands ;

To pay John W. Bishop in contesting the seat of John H. Townsend at the session of 1847 and 1848 of the Alabama legislature ;

To authorize the sale of property in Demopolis ;

To authorize the court of county commissioners of Autauga county to grant a certain road therein named ;

For the relief of the widow of Wm. McGuire, deceased ;

To amend the law on the subject of private roads, were severally read the first time, and the constitutional rule being suspended, were severally read the second and third times forthwith, and passed.

The Senate bill

To be entitled an act to remove the Calbert Shoals in the Tennessee river, was read ; and

On motion of Mr. Wm. P. Davis, was ordered to lie on the table.—Yeas 44, nays 20.

Those who voted in the affirmative, are :

Messrs. Speaker, Agee, Alldredge, Benners, Camp, Calhoun, Clifton, Comer, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Foreman, Fox, Gibson, Gillam, Goodin, Gordy, Greene, Hall, Hatcher, Hill, A. Holly, Inge, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Odom, Payne, Reynolds, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd and Whitsitt.

Those who voted in the negative, are :

Messrs. Carroll, Cook, Curry, Fletcher, Garth, Gilbreath, Hanserd, Hubbard, Humphreys, Irwin of Walker, Jay, Judge, Lindsey, Meek, Owen, Pickett, Rhodes, Scott, Walker of Mobile and Watkins.

The Senate bill

To amend the 17th clause of section 391 of the Code of Alabama, was read, and the House refused to order the same to a second reading.

The Senate bill

To amend section 540 of the Code of Alabama, was read and ordered to lie on the table.

The Senate bill

To authorize the reporter to have published the reports of the supreme court; and for other purposes, was read, and the House refused to order the same to a second reading.

The Senate joint resolutions in regard to the outstanding debts now in the hands of agents or attorneys, due the sixteenth sections in this State, or due the State Bank and branches, now in the hands of agents or attorneys.

Said resolutions were read, and the constitutional rule being

suspended, the same was read the second and third times forthwith, and adopted.

The Senate joint resolutions expressive of the sense of the general assembly in reference to the death of the Hon. Wm. R. King.

Said resolutions were read and unanimously adopted.

The Senate bill to extend the time of holding the circuit court of Coosa county, was read, and the constitutional rule being suspended, the same was read the second time forthwith.

Mr. Hall moved to amend said bill by striking out all after the enacting clause and inserting the following:

That the circuit court of the spring term of Autauga county shall be held on the second Monday after the fourth Monday in March, and may continue for six days, and the spring term of the circuit court of the county of Coosa shall be held on the third Monday after the fourth Monday in March and continue two weeks; and that at the fall term of the circuit court of Autauga county said county be entitled to a term of two weeks.

Said amendment was lost.

Mr. Hall then moved to amend said bill in the same way by reversing the order in which said counties occur in said amendment.

Said amendment was lost.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bill

For the relief of Brittan & DeWolf, State printers, was read, and the constitutional rule being suspended, was read the second time forthwith, and ordered to a third reading on to-morrow.

The Senate bill

To be entitled a supplementary act to amend the charter of the Alabama and Florida Rail Road Company, was read the first time, and the constitutional rule being suspended, was read the second time.

Mr. Judge moved to amend said bill by striking out the last proviso.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the constitutional rule, and passed.

And the House then adjourned until to-morrow morning at 9 o'clock.

FRIDAY, February 17, 1854.

The House met pursuant to adjournment.

The roll was called and the following members answered to the call:

Messrs. Speaker, Allen, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, J.

W. Davis, Findley, Foscue, Garth, Gilbreath, Gillam, Goodin, Gordy, Greene, Hanserd, Hatcher, A. Holly, Horn, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Sterritt, Talbert, Thornton, Todd, Walker of Lauderdale, Walker of Mobile, Webb and Whitsitt.

The Senate bill

To incorporate the Southern Insurance Company, was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

The Senate bill

To incorporate the Alabama Dragoons of Montgomery, and the Montgomery Rifle Company, was read the first time, and the constitutional rule being suspended, was read the second time.

Mr. Judge moved to amend said bill by an additional section.

Said amendment was adopted, and the bill as amended was read the third time, under a suspension of the rule, and passed.

Ordered, that the same be sent forthwith to the Senate.

The Senate bill

For the relief of Horatio Chabliss and Sarah A. V. Flannagin, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Hill, from the Committee on the Military, (with leave,) reported a bill to make an appropriation to the Montgomery True Blues; which was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Gilbreath moved to reconsider the vote by which the House refused to order to a third reading the Senate bill to authorize the reporter to have printed and published the reports of the supreme court, and for other purposes.

Carried.

And the bill was read the third time, under a suspension of the rule, and passed.

Mr. Rhodes (with leave) introduced a bill to repeal section 58 of the Code of Alabama; which was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Speaker laid before the House a record of divorce; which was referred to the Committee on Divorce and Alimony.

#### SPECIAL ORDER.

The hour of quarter after 9 o'clock, a. m. having arrived, the House resumed the consideration of the Senate bill to make fur-

ther appropriation for the completion of the Alabama Insane Hospital.

The question being on the passage of the bill.

Said bill was passed.—Yeas 35, nays 30.

Those who voted in the affirmative, are:

Messrs. Speaker, Agee, Bell, Belser, Bishop, Brown, Camp, Cochran, Comer, Cook, Creagh, Curry, Ervin of Wilcox, Findley, Fox, Gilbreath, Gordy, Horn, Hill, Inge, Jay, Johnson, Judge, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Nelms, Odom, Owen, Pickett, Todd, Walker of Lauderdale, Walker of Mobile, Weaver, Webb and Whitsitt.

Those who voted in the negative, are:

Messrs. Alldredge, Allen, Calhoun, Carroll, Clifton, Cowan, J. W. Davis, Fletcher, Foreman, Foscue, Gibson, Gillam, Goodin, Hall, Hanserd, A. Holly, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Murphy, Musgrove, Newell, Reynolds, Robinson, Sanford, St. John, Sterritt, Talbert and Thornton.

Mr. Cochran (with leave) introduced a bill to regulate the proceedings against Turn Pike Roads in this State; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Joint resolutions of the Senate proposing amendments to the constitution, so as to give justices of the peace original jurisdiction of assaults and of assaults and battery, were read the third time.

Mr. Pickett moved to lay the bill on the table, and the yeas and nays were demanded.

Lost.—Yeas 22, nays 44.

Those who voted in the affirmative, are:

Messrs. Burnett, Calhoun, Comer, Creagh, Fox, Gillam, Hatcher, Hill, Humphreys, Inge, Judge, Lindsey, McCall of Choctaw, Payne, Pickett, Robinson, Rutherford, Sterritt, Talbert, Watkins, Weaver and Whitsitt.

Those who voted in the negative, are:

Messrs. Speaker, Alldredge, Allen, Bell, Bishop, Camp, Carroll, Clifton, Cowan, Cook, Curry, W. P. Davis, Ervin of Wilcox, Fletcher, Foreman, Foscue, Gibson, Goodin, Greene, Hall, Hanserd, A. Holly, Horn, Hubbard, Irwin of Walker, Jay, Johnson, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, Murphy, Musgrove, Nelms, Newell, Odom, Reynolds, Rhodes, Sanford, St. John, Thornton, Todd, Vest and Walker of Lauderdale.

The question recurred on the adoption of the resolutions, and the yeas and nays were demanded.

Lost.—Yeas 39, nays 22.

Those who voted in the affirmative, are:

Messrs. Alldredge, Allen, Camp, Carroll, Clifton, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Fletcher, Foreman,

Foscue, Gibson, Goodin, Greene, Hall, Hanserd, A. Holly, Horn, Hubbard, Irwin of Walker, Jay, Johnson, Lawrence of Fayette, Lawrence of Cherokee, McBryde, Murphy, Musgrove, Nelms, Odom, Reynolds, Rhodes, Rutherford, Sanford, St. John, Thornton, Todd, Vest, Walker of Lauderdale and Watkins.

Those who voted in the negative, are:

Messrs. Bell, Belser, Burnett, Calhoun, Cook, Creagh, Fox, Gillingham, Gordy, Hatcher, Humphreys, Inge, Judge, Lindsey, McCall of Choctaw, Owen, Pickett, Robinson, Sterritt, Walker of Mobile, Weaver and Whitsitt.

The engrossed bill

For the relief of certain persons therein named, was read the third time, and lost.

The engrossed bill

For the removal and location of the court house in the county of Henry, was laid on the table.

The engrossed bill

To explain section 3992 of the Code of Alabama, was read the third time, and passed.

The Senate bill

To legalize a certain marriage therein named, and for other purposes, was read the third time, and passed.

The engrossed bill

For the relief of the widow of Wm. McGuire, deceased, was read the third time, and on motion was ordered to lie on the table.

The engrossed bills,

To make permanent the seat of justice of Coffee county, and for other purposes;

To repeal, alter and amend certain sections of the Code relative to attachments;

To exempt from sale under any legal process all necessary wearing apparel, for the use of each family in this State;

To require the performance of a certain duty therein specified of the judge of probate of the several counties in this State;

For the further regulation of the collection of sixteenth section notes;

For the relief of Dr. Ezekiel Sanders of Pickens county;

To enlarge section 1188 of the Code, were severally read the third time and passed.

The engrossed joint resolutions of the general assembly of the State of Alabama, proposing amendments to the constitution of the State of Alabama, were read the third time and passed.

The bill

Declaring George W. Salter, who lives on the line between Monroe and Conecuh counties, a citizen of Monroe county, was read the second time, and on motion, was ordered to lie on the table.



The bills

To repeal an act incorporating the town of Dadeville, in Tallapoosa county;

In regard to registers in chancery;

To authorize the court of county commissioners to appoint county auctioneers, were severally read the second time, and the constitutional rule being suspended, were severally read the third time and passed.

The bill in relation to dower in the lands of decedents, was read the second time, and

The House refused to order the same to a third reading.

So the same was lost.

The Senate bill

To incorporate the Montgomery Rifles, was read the second time, and

On motion, was ordered to lie on the table.

The bill

To increase the compensation of executors and administrators, and to fix the compensation of guardians, was read the second time; and

On motion, the same was laid on the table.

The bill to lay a tax of five dollars each on all dogs and hogs owned by or in the possession of slaves, was read the second time, and on motion, the same was indefinitely postponed.

The bills

To amend sub-division three of section 712 of the Code of Alabama;

To allow the owners of slaves executed their full appraised value, except in certain cases, were severally read the second time, and the House refused to order the same to a third reading.

So the same were lost.

Joint resolutions declaring that the members of the present general assembly are not entitled to per diem pay nor mileage during the recent adjournment of said body, were read the second time, and on motion, were laid on the table.

The bill for the more effectual assessment of the revenue in each county in the State of Alabama, was read the second time, and ordered to lie on the table.

The House concurred in the amendment of the Senate to the House bill for the payment of certain claims against the State;

Also, in the amendment of the Senate to the House bill to amend section 397 of the Code.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved the following bill, which originated in the House of Representatives:

An act to aid the Mobile and Ohio Rail Road Company.

The Senate bill

To aid the Alabama and Mississippi Rivers Rail Road Company, was read the first time.

Mr. Pickett moved to lay said bill on the table, and the yeas and nays were demanded. Carried—Yeas 57, nays 11.

Those who voted in the affirmative are:

Messrs. Agee, Alldredge, Allen, Bell, Benners, Bishop, Burnett, Camp, Calhoun, Carroll, Clifton, Comer, Cowan, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Findley, Fletcher, Foreman, Fox, Garth, Gillam, Goodin, Gordy, Greene, Hanserd, Hill, A. Holly, Horn, Hubbard, Inge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Odom, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Scott, St. John, Sterritt, Thornton, Vest, Watkins and Webb.

Those who voted in the negative, are:

Messrs. Abercrombie, Belser, Cook, Foscue, Hall, Hatcher, Jay, Talbert, Walker of Lauderdale, Walker of Mobile and Weaver.

The engrossed bill

For the relief of Brittan & DeWoll, State printers, was read the third time, and the yeas and nays were demanded on the passage of the same.

Said bill was passed—Yeas 48, nays 19.

Those who voted in the affirmative are:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Allen, Bell, Belser, Bishop, Brown, Carroll, Cochran, Cowan, Cook, Curry, J. W. Davis, W. P. Davis, Findley, Gilbreath, Gordy, Hall, Hatcher, Hill, Hubbard, Humphreys, Johnson, Judge, Lawrence of Fayette, Lindsey, McBryde, Meek, Murphy, Musgrove, Odom, Pickett, Reynolds, Rhodes, Robinson, Scott, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile Weaver, Webb and Whitsitt.

Those who voted in the negative are:

Messrs. Camp, Calhoun, Clifton, Comer, Ervin of Wilcox, Foreman, Foscue, Garth, Gillam, Goodin, Hanserd, A. Holly, Inge, Jay, Lawrence of Cherokee, McCall of Choctaw, Nelms, Sanford and St. John.

Mr. Alldredge, with leave, introduced a bill to be entitled an act making appropriations to pay certain claims against the State; which was read the first time, and the constitutional rule being suspended, the same was read the second and third times forthwith and passed.

The Senate memorial to the Congress of the United States for the payment of a certain claim against the general government for horses purchased for volunteers during the creek Indian war of 1836, was read and adopted.

The Senate bills,

To incorporate the La Place Institute of Macon county;

To pay certain claims against the State of Alabama, were severally read, and the constitutional rule being suspended, the same were severally read the second and third times forthwith and passed.

#### ELECTION OF A SUPERINTENDANT OF EDUCATION.

The hour of 11 o'clock having arrived, the Senate, by invitation, repaired to the hall of the House for the purpose of electing a superintendent of education.

The two Houses in convention proceeded to the election; Messrs. Benj. F. Porter, A. A. Lipscomb, William F. Perry, F. G. Freeman, J. W. Taylor and T. B. Bradley being in nomination.

Those who voted for Mr. Porter are:

Mr. Lamar of the Senate; and Messrs. Cowan, Fletcher, Foreman, Gilbreath, Meek, Murphy, and St. John of the House of Representatives.

Those who voted for Mr. Lipscomb are:

Messrs. President, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone and Patton of the Senate; and Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Burnett, Calhoun, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, A. Holly, Judge, Owen, Pickett, Rutherford, Walker of Lauderdale and Walker of Mobile of the House.

Those who voted for Mr. Perry are:

Messrs. Bradford, Frazier, Gay, Hendricks, Hewlett, H. C. Jones, Powell and Searcy of the Senate; and Messrs. Alldredge, Bishop, Carroll, Clifton, Curry, Garth, Gibson, Goodin, Greene, Horn, Hubbard, Irvin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Musgrove, Newell, Odom, Payne, Reynolds, Sanford, Scott and Sterritt of the House—32.

Those who voted for Mr. Freeman are:

Messrs. Blake, Cocke, McLemore, Watts and Woodward of the Senate; and Messrs. Comer, Creagh, Foscue, Gillam, Gordy, Hatcher, Hays, Hill, Jay, McCall of Chocktaw, Robinson, Talbert, Thornton and Todd of the House—19.

Those who voted for Mr. Taylor are:

Mr. Webb of the Senate; and Messrs. Camp, Inge, McCall of Barbour, and Whitsitt, of the House—5.

Those who voted for Mr. Bradley are:

Mr. Acklen of the Senate; and Messrs. Allen, Brown, Findley, Fox, Hanserd, Humphreys, Rhodes and Watkins of the House—9.

#### SECOND BALLOT.

The names of Messrs. Taylor and Bradley were withdrawn.

Those who voted for Mr. Porter are:

Mr. Lamar of the Senate; and Messrs. Brown, Cowen, Fletch-

er, Foreman, Fox, Gilbreath, Humphreys, Meek and Murphy of the House—10.

Those who voted for Mr. Lipscomb are :

Messrs. President, Acklen, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone and Patton of the Senate; and Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Calhoun, Cochran, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, A. Holly, Horn, Inge, Judge, McBryde, Owen, Payne, Pickett, Rhodes, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Webb of the House—39.

Those who voted for Mr. Perry are :

Messrs. Bradford, Frazier, Gay, Hendricks, Hewlett, H. C. Jones, Powell and Searcy of the Senate; and Messrs. Alldredge, Bishop, Carroll, Clifton, Curry, Garth, Gibson, Goodin, Greene, Hanserd, Hubbard, Irwin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, Musgrove, Nelms, Newell, Reynolds, Rutherford, Sanford, Scott, St. John, Sterritt and Whitsitt of the House—35.

Those who voted for Mr. Freeman are :

Messrs. Blake, Cocke, McLemore, Watts and Woodward of the Senate; and Messrs. Comer, Findley, Foscue, Gillam, Gordy, Hatcher, Hays, Hill, Jay, McCall of Choctaw, Robinson, Talbert, Thornton and Todd of the House—19.

Mr. Webb of the Senate, and Mr. Camp of the House voted for Mr. Taylor.

### THIRD BALLOT.

Those who voted for Mr. Porter are :

Mr. Lamar of the Senate; and Messrs. Cowen, Fletcher, Foreman, Meek and Murphy of the House—6.

Those who voted for Mr. Lipscomb are :

Messrs. President, Acklen, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone and Patton of the Senate; and Messrs. Speaker, Abercrombie, Agee, Allen, Bell, Belser, Burnett, Calhoun, Cochran, Cook, J. W. Davis, W. P. Davis, Ervin of Wilcox, Hall, Hatcher, A. Holly, Horn, Inge, Judge, McBryde, Nelms, Owen, Payne, Pickett, Rhodes, Vest, Walker of Lauderdale, Walker of Mobile, Weaver and Webb of the House—43.

Those who voted for Mr. Perry are :

Messrs. Bradford, Frazier, Gay, Hendricks, Hewlett, H. C. Jones and Powell of the Senate; and Messrs. Alldredge, Bishop, Carroll, Clifton, Comer, Curry, Findley, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Goodin, Greene, Hanserd, Hubbard, Humphreys, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, Musgrove, Newell, Odom, Reynolds, Rutherford, Sanford, Scott, St. John, Sterritt and Whitsitt of the House—40.

Those who voted for Mr. Freeman are:

Messrs. Blake, Cocke, McLemore, Watts and Woodward of the Senate; and Messrs. Gordy, Hays, Hill, Jay, McCall of Choctaw, Robinson, Talbert, Thornton and Todd of the House—14.

Mr. Webb of the Senate, and Messrs. Creagh and Camp of the House voted for Mr. Taylor.

#### FOURTH BALLOT.

Messrs. Perry and Lipscomb being alone in nomination.

Those who voted for Mr. Perry are:

Messrs. Blake, Bradford, Cocke, Frazier, Gay, Hendricks, Hewlett, H. C. Jones, Lamar, McLemore, Powell, Searcy and Woodward of the Senate; and Messrs. Alldredge, Allen, Bishop, Carroll, Clifton, Comer, Cowan, Curry, Findley, Foreman, Foscue, Garth, Gibson, Gillam, Goodin, Gordy, Greene, Hanserd, Hill, Hubbard, Irwin of Walker, Johnson, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Reynolds, Robinson, Rutherford, Sanford, St. John, Sterritt, Talbert, Thornton, Todd and Whitsitt of the House—55.

Those who voted for Mr. Lipscomb are:

Messrs. President, Acklen, Ashley, Baker, Brindley, Clanton, Crenshaw, Dickinson, Jemison, Kelly, Kimball, Malone, Patton and Watts of the Senate; and Messrs. Speaker, Abercrombie, Agee, Bell, Belser, Burnett, Calhoun, Cochran, Cook, Creagh, J. W. Davis, W. P. Davis, Ervin of Wilcox, Hall, Hatcher, A. Holly, Horn, Inge, Jay, Judge, McBryde, Meek, Odom Owen, Payne, Pickett, Rhodes, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Webb of the House—46.

Mr. Webb of the Senate voted for Mr. Lapsley.

Mr. Perry having received a majority of the whole number of votes given, Mr. Speaker declared him duly elected superintendent of education for the term prescribed by law.

The Senate then withdrew, and the House resumed its appropriate business.

The Senate bill

For the relief of Rahahane Wallace, was read the first time and ordered to lie on the table.

Mr. Sterritt, from the Joint Select Committee, to whom was referred so much of the Governor's message as relates to the death of the Hon. Wm. R. King, vice-president of the United States, submitted to the House joint resolutions, and also the following

#### REPORT:

That in responding to the suggestion of the Hon. Henry W. Collier, relative to the melancholly event, your committee but too

sensibly feels the inadequacy of language to convey, in suitable terms, the profound and pervading grief which the announcement of this mournful affliction brought, not only upon our beloved Alabama, but on our common country. The deep sorrow evoked by this sad but not unlooked for event, penetrated the bosom and throbbed in the hearts of his countrymen, without distinction of party, and inspired a common desire to unite and testify their full appreciation of his private virtues and public services. The enumeration of those virtues and the recital of those services belong, not to this occasion, but to our country's history. Holding as we do, in grateful remembrance, of his high and excellent qualities of head and heart which adorned his life as a private citizen and as a public servant, yet we cannot but acknowledge how frail a memento of departed worth is the sculptured column, which shall rise to perpetuate his name, compared to that more enduring monument which he has reared in the patriotic hearts of his countrymen! Therefore,

*Be it resolved by the Senate and House of Representatives in General Assembly convened,* That while the State of Alabama deplores the death of the Hon. William Rufus King, vice-president of the United States, she will ever cherish, with emotions of gratitude, his memory as one of her earliest devoted friends and worthiest patriotic sons. .

*And be it further resolved,* That in his death, the State of Alabama has lost one of her brightest jewels—the country—a public benefactor, and republican freedom an able and consistent friend.

*And be it further resolved,* That as representatives of the State, in whose behalf he rendered signal services in the weakness of her infancy as well as in the strength of her riper years, we desire to record upon the legislative archives of the same the deep sense of gratitude we entertain for his public services and the sincere regret we feel for his death.

*And be it further resolved,* That the sum of ——— dollars be and the same is hereby appropriated for the erection of a suitable monument to his memory, under the direction of the Governor of the State.

Mr. Percy Walker moved to amend said resolutions by striking out the last resolution.

Mr. Meek moved to amend said resolutions as follows:

*Be it further resolved,* That the Governor of this State be authorised to have a copy of the best portrait of the Hon. William R. King painted to be placed in the capitol of this State, and that the sum of three hundred dollars be appropriated for the purpose of carrying this resolution into effect.

Mr. Humphreys moved to lay the said resolutions and amendments on the table in order to take up joint resolutions from the Senate on the same subject; and the yeas and nays were demanded.



Carried. Yeas 34, nays 26.

Those who voted in the affirmative are:

Messrs. Agee, Belser, Bishop, Burnett, Clifton, Cochran, Cowan, Curry, J. W. Davis, Ervin of Wilcox, Fox, Gilbreath, Goodin, Hall, Hanserd, Hatcher, Hays, Humphreys, Inge, Judge, Lindsey, McBryde, McCall of Choctaw, Murphy, Musgrove, Nelms, Newell, Odom, Owen, St. John, Sterritt, Thornton, Todd and Walker of Lauderdale.

Those who voted in the negative are:

Messrs. Allen, Brown, Camp, Calhoun, Carroll, Comer, Cook, Creagh, W. P. Davis, Fletcher, Garth, Gibson, Gillam, A. Holly, Hubbard, Irwin of Walker, Lawrence of Cherokee, McCall of Barbour, Payne, Robinson, Rutherford, Sanford, Talbert, Walker of Mobile, Watkins and Weaver.

The House then proceeded to consider the Senate resolutions; Pending which,

And the House adjourned until this evening at 3 o'clock.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to the call:

Messrs. Speaker, Agee, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Comer, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Ervin of Wilcox, Foreman, Gibson, Goodin, Gordy, Greene, Hanserd, Hill, A. Holly, Inge, Jay, Judge, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Murphy, Nelms, Newell, Odom, Owen, Payne, Pickett, Reynolds, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Mobile, Webb and Whitsitt—54.

The House then resumed the consideration of the joint resolutions of the Senate, in relation to the late Hon. William R. King.

Mr. Percy Walker moved to lay the said bill on the table. Lost—Yeas 12, nays 57.

Those who voted in the affirmative are:

Messrs. Allen, Calhoun, Carroll, W. P. Davis, Fletcher, Garth, Gillam, Hays, A. Holly, Payne, Rutherford and Walker of Mobile.

Those who voted in the negative are:

Messrs. Agee, Bell, Belser, Benners, Bishop, Brown, Clifton, Cochran, Comer, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fox, Goodin, Gordy, Greene, Hall, Hanserd, Hatcher, Hill, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Johnson, Judge, Lawrence of Cherokee, Lindsey, McBryde, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Odom, Owen, Pickett, Reynolds, Sanford, Scott, St. John, Sterritt, Tal-

bert, Thornton, Vest, Walker of Lauderdale, Watkins, Weaver, Webb and Whitsitt.

Mr. Meek moved to amend said resolutions by striking out the last resolution and inserting the following in lieu thereof, viz:

*Be it further resolved,* That the Governor of this State be authorised to have a copy of the best portrait of the Hon. Wm. R. King painted to be placed in the capitol of this State, and that the sum of three hundred dollars be appropriated for the purpose of carrying this resolution into effect.

Mr. Jay moved the previous question, and the yeas and nays were demanded; and

The question "shall the main question be now put?" was decided in the negative—yeas 9, nays 51.

Those who voted in the affirmative, are:

Messrs. Allen, Calhoun, W. P. Davis, Garth, Gillam, Hays, A. Holly, Jay and Walker of Mobile.

Those who voted in the negative, are:

Messrs. Speaker, Agee, Alldredge, Bell, Belser, Brown, Burnett, Clifton, Cochran, Comer, Cook, Creagh, Curry, J. W. Davis, Ervin of Wilcox, Findley, Fletcher, Foscue, Fox, Goodin, Gordy, Greene, Hall, Hanserd, Horn, Hubbard, Humphreys, Inge, Irwin of Walker, Johnson, Judge, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Choctaw, Meek, Murphy, Musgrove, Newell, Odom, Reynolds, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Vest, Walker of Lauderdale, Watkins, Weaver and Whitsitt.

The question recurred on the amendment proposed by Mr. Meek, and a division of the question was called for.

The question was first taken on striking out, and the same prevailed.

The question then recurred on inserting the amendment proposed by Mr. Meek.

Mr. W. P. Davis moved to postpone the further consideration of the resolutions until to-morrow morning at half past 9 o'clock, and the yeas and nays were demanded.

Lost—Yeas 16, nays 51.

Those who voted in the affirmative are:

Messrs. Agee, Allen, Calhoun, Carroll, Comer, Creagh, W. P. Davis, Fletcher, Hall, Hanserd, Hays, A. Holly, Horn, McCall of Barbour, Murphy and Nelms.

Those who voted in the negative are:

Messrs. Alldredge, Bell, Belser, Bishop, Brown, Burnett, Camp, Clifton, Cowan, Cook, Curry, Ervin of Wilcox, Findley, Foscue, Fox, Garth, Gibson, Gilbreath, Gillam, Goodin, Gordy, Greene, Hill, Hubbard, Humphreys, Inge, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, McBryde, Meek, Musgrove, Newell, Odom, Pickett, Reynolds, Rutherford, Sanford, Scott, St. John, Sterritt, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins and Whitsitt.

Mr. Percy Walker then moved to amend said amendment as follows:

*Provided, That the money hereby appropriated, shall be paid by the members individually of this legislature.*

Mr. Hubbard moved the previous question, and the question "shall the main question be now put?" was sustained—Yeas 45, nays 21.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Bell, Bishop, Burnett, Camp, Calhoun, Carroll, Clifton, Comer, Cowan, Cook, Creagh, W. P. Davis, Fletcher, Fox, Garth, Gibson, Gillam, Gordy, Hanserd, Hays, A. Holly, Horn, Hubbard, Humphreys, Irwin of Walker, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, Nelms, Odom, Owen, Payne, Robinson, Sanford, Talbert, Todd, Vest, Walker of Mobile, Watkins and Webb.

Those who voted in the negative are:

Messrs. Alldredge, Allen, Belser, Gilbreath, Goodin, Greene, Hill, Inge, Judge, Lindsey, Meek, Murphy, Musgrove, Newell, Rutherford, Scott, St. John, Sterritt Walker of Lauderdale and Whitsitt.

Said resolutions, as amended, were then adopted—yeas 66, nays 1.

Those who voted in the affirmative, are:

Messrs. Speaker, Agée, Alldredge, Allen, Bell, Belser, Bishop, Burnett, Camp, Calhoun, Carroll, Clifton, Comer, Cowan, Cook, Creagh, Curry, Findley, Fletcher, Foreman, Fox, Garth, Gibson, Gilbreath, Gillam, Goodin, Gordy, Hall, Hanserd, Hays, Hill, Hubbard, Humphreys, Inge, Irwin of Walker, Judge, Lawrence of Cherokee, Lawrence of Fayette, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Musgrove, Nelms, Newell, Odom, Owen, Payne, Pickett, Reynolds, Rhodes, Robinson, Rutherford, Sanford, Scott, St. John, Sterritt, Thornton, Todd, Vest, Walker of Lauderdale, Walker of Mobile, Watkins, Webb and Whitsitt.

Mr. W. P. Davis voted in the negative.

Mr. Gordy, from the Committee on Divorce and Alimony, reported back a bill to be entitled an act to divorce certain persons therein named; also

A bill to be entitled an act for the relief of Welden S. Dye.

Said bills were severally read, and the constitutional rule being suspended, the same were severally read the second and third times forthwith, and passed.

The House concurred in the amendment of the Senate to the House bill to incorporate the East and West Alabama Rail Road Company.

Also, in the amendment of the Senate to the the House bill to regulate proceedings against turn-pike roads in this State.

Also, in the amendment of the Senate to the House bill to amend the law of escheats.

On motion of Mr. Cook,  
The bill to authorise the appointment by the judge of probate of each county, a general guardian for the county.

Said bill was read the second time.

Mr. Cook moved to amend said bill by restricting its application to the county of Lowndes.

Said amendment was adopted; and

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

The House concurs in the amendments of the Senate to the bill to aid the Tennessee and Coosa Rail Road—Yeas 43, nays 22.

Those who voted in the affirmative are:

Messrs. Speaker, Agee, Alldredge, Bell, Belser, Bishop, Calhoun, Clifton, Cochran, Cowan, Cook, Creagh, Curry, J. W. Davis, W. P. Davis, Findley, Fletcher, Fox, Gilbreath, Goodin, Hall, Hanserd, Hatcher, Hill, Humphreys, Inge, Judge, Lawrence of Cherokee, Meek, Murphy, Musgrove, Odom, Payne, Robinson, Sanford, Scott, St. John, Sterritt, Talbert, Todd, Vest, Watkins, Weaver and Webb.

Those who voted in the negative, are:

Messrs. Allen, Camp, Carroll, Comer, Garth, Gillam, Green, Hubbard, Inge, Irwin of Walker, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Pickett, Reynolds, Rhodes, Rutherford, Thornton, Walker of Lauderdale, Walker of Mobile and Whitsitt.

The House concurred in the amendments of the Senate to the House bill to repeal an act incorporating the town of Dadeville in Tallapoosa county.

The Senate joint resolutions in regard to the acts was read, and the constitutional rule being suspended, the same was read the second time, and the House refused to order the same to a third reading; so the same was lost.

The House, on motion of Mr. Hubbard, disagreed to the amendments of the Senate to the joint resolutions proposing amendments to the constitution, giving to the people the election of secretary of state, comptroller of public accounts, state treasurer, chancellors, judges of the supreme court, &c.

The Senate joint resolutions in regard to the Cahaba Light Horse Company were read, and the constitutional rule being suspended, were read the second and third times forthwith and adopted.

The Senate bill entitled an act to issue a patent to William A. Campbell, was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

The House concurs in the amendment of the Senate to the bill making appropriations to pay claims certain against the State.

A message from his excellency, the Governor, by Mr. Whitfield, his private secretary:

**Mr. Speaker:** His excellency, the Governor, has approved the following bills which originated in the House of Representatives:

An act to legalize a sale of a part of the sixteenth section in township 23, range 26, Chambers county;

An act to authorise the sale of the extra copies of the twenty-second volume of the decisions of the supreme court;

An act for the relief of J. H. Daughdrill of Mobile county;

An act to define the jurisdiction of the town constables of the town of Carrollton;

An act to amend the law of and regulating the proceedings in admiralty of Alabama;

An act for the relief of Robert Chandler of Marshall county;

An act to establish a boundary line between the counties of Mobile and Washington, and for other purposes;

An act to divorce Jas. H. Wallis from his wife, Mary Wallis;

An act for the relief of Abel Echols of Dale county;

An act for the relief of G. W. Grant;

An act to repeal an act therein named;

An act to revive the act incorporating the town of Warrenton in Marshall county;

An act to amend the law in relation to pleadings;

An act in relation to the appointment of overseers and apportioners in Sumter county;

An act to amend the law in relation to burning woods in the county of Henry;

An act in relation to the pay of witnesses in State cases;

An act to amend the charter of the Marengo Covered or Plank Road Company;

An act to repeal an act passed and approved on the 9th day of February, 1852;

An act to amend the proceedings in the city court of Mobile;

An act to authorise the corporate authorities of the city of Mobile to regulate wharfs and wharfage in said city;

An act to incorporate the Greensboro' and Union Town Rail Road Company;

An act to establish an additional regiment in Cherokee county;

An act to require the county treasurer of Marshall county to pay claims against said county according to priority;

An act to provide for the settlement of the trust estate of Martha B. Thomas, and for other purposes;

An act in relation to re-surveys of land;

An act to repeal an act therein named, approved January 27, 1846;

An act for the relief of Lewis Parker of Lawrence county;

An act to authorize the trustees of township 21, range 4, to resell a part of the sixteenth section;

An act for the relief of a certain tax assessor therein named;

An act supplemental to an act to regulate the assessment and collection of taxes;

An act to authorize the Governor to issue a patent to certain lands therein named;

An act to repeal a portion of section 769 of the Code of Alabama, in the county of Morgan;

An act supplemental to an act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5, 1852;

An act for the relief of R. C. Newman of DeKalb county;

An act for the relief of Haywood H. Hunter;

An act to compel certain persons heretofore exempted, to work public roads in Hancock county;

An act to authorize the officers of the 67th and 99th regiments of Tallapoosa county to divide said county into three regiments;

An act for the pay of tales jurors for the county of Henry;

An act exempting the citizens of the town of Montevallo from working on public roads, except within the corporate limits thereof;

An act authorizing the Governor to order elections therein named;

An act to repeal certain laws which conflict as to the duty of the quarter-master-general;

An act to allow all regular graduates of any medical college in the United States to practice medicine;

An act to authorize the Governor to issue patents to A. B. McDougald for certain lands therein mentioned, and for other purposes;

An act for the relief of the constable of Livingston beat, in the county of Sumter;

An act to authorize the sheriff of Montgomery county to employ additional bailiffs;

An act to increase the salary of the state treasurer;

An act to compensate the sheriff of Madison county;

Joint resolutions requiring the secretary of state to file and preserve the official reports of State affairs, and other State papers;

An act to increase the pay of regular and tales jurors in the county of Dallas;

An act to incorporate the North and South Alabama Rail Road Company;

An act to provide for the payment of a certain claim against the State.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved the following bills which originated in the House:

An act to create a body corporate and politic by the name of the Mobile Chamber of Commerce;

An act to incorporate the Hollywood House Company;

An act to alter and amend an act to change the mode of receiving and disbursing the revenues of Mobile county, and for other purposes, approved 9th February, 1852;



An act to define the power of circuit judges in certain cases, and for other purposes;

An act to authorize the register in chancery to settle a certain case therein named, and for other purposes;

An act to amend the charter of the Wilcox Female Institute;

An act to incorporate the Trustees of Friendship School, in the county of Wilcox;

An act to incorporate the order of the Knights of the Golden Cross, in the city of Mobile;

An act to repeal and amend certain sections of the code therein named, and for other purposes;

An act to incorporate the Central Bank of Alabama;

Joint resolutions endorsing the action of the harbor improvement meeting recently held in the city of Mobile;

An act to authorize the exchange of the bills of the State Bank and its branches, over five dollars in amount, in circulation, for the bills under five dollars in amount, in the state treasury;

An act supplemental to an act to incorporate the Alabama Direct Trade and Exchange Company, approved February 5, 1852:

An act relating to licensing circuses in Mobile;

An act to provide a set of weights and measures for the county of Hancock;

An act to authorize and require the inspectors of the penitentiary to secure certain property to the State;

An act for the relief of Robert H. Howard and James E. Barnett, executors of Harmony Lamar, deceased;

An act to regulate the time of holding the circuit courts of Randolph, Tallapoosa and Talladega counties;

An act for the relief of Alexander A. McCartney of Morgan county;

An act to incorporate the Livingston Ice House Company;

An act to provide a summary remedy against plank, macadamized or turnpike road companies, and for other purposes;

An act to amend section 2170 of the code of Alabama;

An act to prevent the evasion of the revenue law;

An act to authorize James Hammett and Nancy Hammett to sell a certain tract of land therein named;

An act for the relief of Alonzo Dillard;

An act to authorize justices of the peace in the counties of Fayette and Walker to hold monthly courts of their respective offices respectively;

An act to incorporate the society for the relief of disabled clergymen of the Protestant Episcopal Church in the Diocese of Alabama, and to incorporate the society for the relief of disabled clergymen of the Baptist denomination;

An act in reference to trustees of school townships in Russell county;

An act to change Lane's precinct, in Morgan county, to Hampton's, in said county.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary;

Mr. Speaker: His excellency, the Governor, has approved the following bill which originated in the House:

An act making appropriations for the fiscal years 1854 and 1855.

And the House then adjourned until to-morrow morning at 10 o'clock.

SATURDAY, February 18, 1854.

The House met pursuant to adjournment.

#### P R O T E S T .

The undersigned, believing that there are radical objections to some of the provisions of the bill to establish a system of free public schools in the State of Alabama, passed at the present session of the general assembly, avail themselves of this means of stating them, and spreading them upon the journals of the House.

1st. The object of the bill being for the education of the children in the State, it should have provided for the distribution of moneys in proportion to children in the respective townships who went to school.

2d. It vests the entire fund, which is called the educational fund, in a single person, and gives him no positive rule or direction by which he is required to distribute it, but expressly provides that any other process than the one therein given, which will attain the end of equalizing the sixteenth sections, may be adopted by the superintendent. The undersigned considers the power herein conferred too liable to abuse, and too large a range of discretion, in the distribution of so large a fund, for any one man to exercise. The entire subject is left in the discretion of one man, with the only qualification that his rule of distribution shall equalize sixteenth sections, of which it leaves him the sole and exclusive judge. How the rights of very many citizens may be trampled upon by his individual views of equalizing it, is unnecessary to point out; they cannot but occur to every thinking mind, and the power and discretion vested in him is inconsistent with proper principles. The bill, repudiating, as it partially does, the sixteenth section funds as due and belonging to the inhabitants of the townships, does not give these townships the poor privilege of having the law to prescribe the rule of division, but by the will of one man, and in the way the temptations of self interest and the allurements of ambition may prompt him.

3d. It takes \$5,000 a year of the sixteenth section fund from its distribution to the townships, as the law intended it should be distributed, and gives it to the said superintendent, of which he is

to keep \$2,500 as salary as superintendent, and the remainder of which is to be used in distributing pamphlets and acting as traveling lecturer. Such provisions are not adapted to our latitude, and need only to be named to be seen to be objectionable.

4th. Any legislature which infringes upon vested rights, will do more to demoralize and lessen the regard for the obligations of morality than the educational system, superintendent and all, can counteract.

The funds of the townships were given to the inhabitants for the use of schools in those townships—to appropriate otherwise is to disregard the terms of the grant; and for these and other reasons, the undersigned objected to the passage of the bill. Some of the above defects were attempted to be stricken out, but without success; others would have been attempted, but it was seen to be fruitless.

These reasons are spread upon the journal in no captious spirit, but that they may be seen as the reasons why we voted against the bill.

Signed,

A. BENNERS,  
RICHARD F. INGE,  
JOHN C. WHITSITT.

Mr. Belser introduced a bill to be entitled an act to authorize Edward T. Watts of Dallas county to erect a bridge over the Cahaba river.

Mr. L. P. Walker introduced a bill to be entitled an act compelling the attorney general and several solicitors to collect sixteenth section notes, and for other purposes.

Mr. Payne introduced a bill to be entitled an act to alter and amend section 997 of the Code of Alabama.

Said bills were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith, and passed.

Ordered, that the same be sent forthwith to the Senate.

The roll was called, and the following members answered to the call:

Messrs. Alldredge, Allen, Belser, Bishop, Brown, Burnett, Camp, Calhoun, Carroll, Clifton, Cochran, Comer, Cowan, Cook, Curry, J. W. Davis, Findley, Fletcher, Fox, Gilbreath, Goodin, Gordy, Greene, Hall, Hanserd, Hays, A. Holly, Hubbard, Humphreys, Inge, Irwin of Walker, Jay, Lawrence of Cherokee, Lawrence of Fayette, McCall of Barbour, McCall of Choctaw, Murphy, Musgrove, Newell, Odom, Payne, Pickett, Sanford, Shelly, St. John, Talbert, Thornton, Todd, Vest, Walker of Lauderdale, Watkins Weaver and Webb—53.

On motion of Mr. Jay, the House resumed the consideration of the bill to amend section 3285 of the code, relating to the trading with slaves, and the substitute reported therefor, the question be-

ing upon the adoption of the said substitute, and the same was adopted.

Mr. Hall moved to amend said bill as follows:

SEC. — *And be it further enacted*, That slaves are permitted to sell brooms, bed and foot mats, shuck collars, coal and such other articles as are usually manufactured by slaves, without a pass or permit. Adopted.

Mr. Gordy moved to amend said bill by exempting Washington county from the provisions of the same. Adopted.

Mr. Jay moved to amend said bill as follows:

*Provided*, That the provisions of this act shall apply only to the counties of Conecuh, Chambers, Butler, Jefferson, Covington and Walker. Adopted.

Said bill as amended was then read the second time and ordered to a third reading on to-morrow.

Mr. Watkins, from the Committee on the Judiciary, reported back the bill to amend the laws in relation to insolvent estates, without amendment.

Said bill was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bill

To define the rights, duties and privileges of free persons of color residing in this State, was read the second time, and the constitutional rule being suspended, the same was read the third time forthwith, and passed.

Mr. Hill offered the following resolution, which was unanimously adopted, viz:

*Resolved*, That the thanks of this House are due to the Hon. William Garrett, for the able, dignified and impartial manner in which he has presided over its deliberations.

A message from the Senate by Mr. Nicholson:

The Senate insists on its amendment to the joint resolutions proposing amendments to the constitution, giving to the people the election of secretary of state, comptroller of public accounts, state treasurer, &c., &c., and has appointed a committee of conference on the part of the Senate, consisting of Messrs. Watts, Baker and H. C. Jones, and request a like committee on the part of the House; and Messrs. L. P. Walker, Hubbard and Fox were appointed on the part of the House.

The Senate bill

To repeal section 2706 of the code, was read the second time, and ordered to lie on the table.

The Senate bill

To incorporate the Parham Manufacturing Company, was read and the constitutional rule being suspended, was read the second and third times, forthwith, and passed.

The Senate bill

To authorize the Franklin and Oxford Rail Road Company to

extend their road into the State of Alabama, and for other purposes, was read, and the constitutional rule being suspended, was read the second time forthwith, and passed.

Mr. L. P. Walker, from the Committee of Conference on the joint Resolutions proposing amendments to the constitution, giving to the people the election of secretary of state, comptroller of public accounts, State treasurer, &c., &c., reported that the joint committee of both Houses, on said resolution, were unable to agree, and ask to be discharged from the further consideration of said resolutions.

Said report was concurred in, and the committee discharged.

The Senate bill

To amend section 2992 of the Code of Alabama, was read the second time and ordered to lie upon the table.

Mr. L. P. Walker moved to reconsider the vote by which the House passed the bill compelling the attorney general and several solicitors to collect 16th section notes, and for other purposes.

Said motion prevailed, and the said bill was ordered to lie upon the table.

The Senate bill

Compelling the attorney general and the several solicitors to collect 16th section notes and for other purposes, was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Cochran offered the following resolutions:

*Resolved*, That the thanks of the House be tendered to the principal clerk, assistant clerk, and engrossing clerk, for the faithful and efficient manner in which they have discharged their duties.

*Resolved*, That the thanks of the House are tendered to the door keeper for the faithful and satisfactory performance of his duties.

*Resolved*, That the thanks of the House are hereby tendered to the reporters of the "Advertiser and Gazette," and "Alabama Journal," for their accurate reports of the proceedings of the House during the present session.

Said resolutions were unanimously adopted.

Mr. Hall offered the following resolution:

*Resolved*, That with the concurrence of the Senate, a joint committee of the two houses be appointed to wait upon his excellency, the Governor, and inform him that they are ready to adjourn *sine die*, unless he has further communications to make to them.

Said resolution was adopted and Messrs. Hall, Calhoun and Carroll were appointed said committee.

#### PROTEST.

*Whereas*, By resolution, it has been determined to adjourn this House from the 20th day of this month, until the second Monday

in January, 1854, and while the undersigned was and is now in favor of an adjournment during the christmas holidays, he protests against the payment of *per diem* or milage to the members during said adjournment, because he believes the allowance or payment of either to be illegal and contrary to the laws of the State.

He believes said adjournment will not meet the approbation of the people of this State, if *per diem* or mileage, or either is allowed, and that would be subversive of the interest of the State and in violation of the laws. He therefore asks that this his protest be entered upon the journal.

December 19th, 1853.

J. M. GREENE.

The following message was received from his excellency, the Governor, by Mr. Whitfield, his private secretary:

*Mr. Speaker*:—His excellency, the Governor, has approved the following bills which originated in the House of Representatives:

An act to provide for certain claims against the State;

An act to aid the Tennessee and Coosa Rail Road;

An act to divorce certain persons therein named;

An act to authorize the court of county commissioners of roads and revenue of Marshall county to provide for the payment of certain claims;

An act declaring Elizabeth Gilbreath an inhabitant of Marshall county, and for other purposes;

An act to enable the county surveyor of Montgomery county to make correct surveys of said county;

An act to amend section 2824 of the Code of Alabama;

An act to incorporate the Ancient Order of Hibernians of the city and county of Mobile;

An act to repeal in part an act to regulate the pay of the petit jurors in Henry, Dale, Randolph, Coffee and Covington counties, approved January 27th, 1845;

An act to extend the time for recording deeds and for establishing lost deeds, records or other papers in Coffee county, and for other purposes;

An act to repeal section 58 of the Code of Alabama;

An act to authorize John C. McGuire to erect gates across a road therein named;

An act to compensate Samuel F. Rice and Abram Martin, Esqs., for professional services rendered for the State.

Mr. Calhoun, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled:

To elect the county treasurer, county surveyor, tax assessor, and coroner of Randolph county by the people;

To repeal an act incorporating the town of Dadeville in Tallapoosa county;

To prevent more effectually the circulation of counterfeit money;



To pay certain claims against the State;  
 Declaring S. F. Perkins a citizen of Marengo county;  
 Joint memorial to the congress of the United States;  
 To authorize Mrs. Catharine Molton, the executrix of Thomas Molton, deceased, to purchase certain real estate therein named;  
 To authorize the commissioners court of Sumter county to reduce the length of causways and bridges therein;  
 To amend section 397 of the Code;  
 To provide for the payment of certain claims against the State;  
 To authorize the executors of Alexander Scott, late of Macon county, deceased, to compromise the bad and doubtful debts belonging to the estate of said deceased;  
 To divorce certain persons therein named;  
 To aid the Tennessee and Coosa Rail Road;  
 To authorize the court of commissioners of Marshall county to provide for the payment of certain claims;  
 To authorize William and James Stamphill of Franklin county to erect a certain dam therein named;  
 For the relief of Welden S. Dye;  
 To repeal in part an act approved 9th February 1852;  
 To amend an act approved 12th February, 1850, to authorize and regulate the business of banking;  
 An act for the relief of Isaac Smith of Covington county;  
 To make Nathan Reavis of Cherokee county, a citizen of Benton county.

Mr. Murphy introduced a bill for the payment of certain claims against the State; which was read, and the constitutional rule being suspended, the same was read the second and third times forthwith, and passed.

Ordered, that the same be sent forthwith to the Senate;  
 And the House adjourned, until 4 o'clock this evening.

#### AFTERNOON SESSION.

The House met pursuant to adjournment.

The roll was called and the following members answered to the call:

Messrs. Speaker, Abercrombie, Agee, Alldredge, Belser, Camp, Carroll, Clifton, Comer, Curry, J. W. Davis, Findley, Fletcher, Fox, Gillam, Goodin, Gordy, Greene, Hanserd, Hatcher, Hays, Hill, A. Holly, Horn, Humphreys, Inge, Irwin of Walker, Jay, Judge, Lawrence of Cherokee, McBryde, McCall of Barbour, McCall of Choctaw, Meek, Murphy, Newell, Pickett, Robinson, Rutherford, Sanford, St. John, Talbert, Thornton, Todd, Vest, Watkins, Webb and Whitsitt.

A Message from his excellency, the Governor, by Mr. Whitfield, his private secretary:

Mr. Speaker: His excellency, the Governor, has approved the following bills which originated in the House of Representatives:

An act regulating proceedings against turnpike roads in this State, and for other purposes;

An act to amend section 397 of the Code;

An act to authorise the administrator of Alexander Scott, late of Macon county, deceased, to compromise bad and doubtful debts belonging to the estate of said deceased;

An act to authorise the commissioners of roads and revenue of Sumter county to reduce the width of causeways and bridges therein;

An act to incorporate the town of Orrville in Dallas county;

An act for the relief of Weldon S. Dye;

An act to divorce certain persons therein named;

An act to incorporate the Courtland Masonic Institute;

An act to repeal in part certain acts therein named;

An act to repeal an act therein named;

An act to ascertain the value of sixteenth sections in this State;

An act to regulate the levying of county tax in Dale county;

An act to prevent more effectually the circulation of counterfeit money;

An act making appropriations to pay certain claims against the State;

An act to incorporate the Troy Fire Company in the county of Pike;

Joint memorial to the congress of the United States;

An act to authorise William and James Stamphill of Franklin county to erect a certain dam therein named;

An act to elect the county treasurer, county surveyor, tax assessor and coroner of Randolph county by the people;

An act to change the manner of apportioning the road hands in the county of St. Clair;

An act for the payment of certain claims against the State;

An act to make an additional ground for divorce;

An act for the relief of George Rives;

An act to repeal section 1163 of the new Code, and to authorise the levying of a road tax in Baldwin county;

An act to allow purchasers of sixteenth sections in St. Clair county, to pay the interest to said county treasurer until the maturity of the last note;

An act to declare S. F. Perkins a citizen of Marengo county;

An act for the relief of Isaac Smith of Covington county;

An act to make Nathan Reavis of Cherokee county, a citizen of Benton county;

An act to incorporate the Pickens DeKalb Minute Men;

An act to revise and amend the charter of the town of Yorkville in Pickens county;

An act to incorporate the Sandy Ridge Male Academy in Lowndes county;

An act for the preservation of game in the counties of Mobile, Baldwin and Washington;

An act to incorporate the East and West Alabama Rail Road Company;

An act to incorporate the Mountacaloux Male and Female Academy in the county of Lauderdale;

An act to incorporate the Sandy Ridge Female Academy in Lowndes county;

An act to alter and amend section 1116 of the Code of Alabama;

An act to incorporate the Selma and Mobile Rail Road Company;

An act to authorise Catherine Molton, executrix of Thomas Molton, deceased, to purchase real estate therein named;

An act for the relief of James Jones, a free person of color;

An act to authorise E. T. Watts of Dallas county to erect a bridge over the Cahaba river;

An act to provide for the compensation of trustees required to attend upon the court of county commissioners;

An act to establish a medical board in Bellefonte, Jackson county;

An act to extend the jurisdiction of the probate courts;

An act to repeal and substitute section 2466 of the Code of Alabama;

An act to alter and amend section 997 of the Code of Alabama;

An act to provide for the payment of a certain claim against the State;

An act to incorporate the Montgomery Water Works Company;

Mr. Meek offered the following resolution:

*Resolved*, That by the concurrence of the Senate, the two Houses of the general assembly shall adjourn to meet again on the first Monday in December next, to carry into effect that provision of the constitution, that the comptroller of public accounts and state treasurer shall be elected annually.

Mr. Humphreys made a point of order, that as the two Houses had previously resolved to adjourn *sine die*. on to-day, that it would be necessary to rescind said resolution before the resolution offered would be in order.

Mr. Speaker sustained said point of order.

Mr. Hall, from the joint select committee raised to wait upon his excellency, the Governor, and inform him that the two Houses were ready to adjourn *sine die*., reported that said committee had discharged that duty, and that his excellency had nothing further to communicate.

Mr. Speaker then rose and addressed the House as follows—

Gentlemen of the House of Representatives:

I receive with very grateful emotions, the resolution which you have been pleased to adopt in respect to the manner

in which I have discharged the duties of Speaker of this House. Next to the approbation of my own conscience, there is nothing I more anxiously labor to deserve, than the favorable judgment of the thoughtful and judicious upon my actions and conduct, official and otherwise.

Your resolution, gentlemen, would seem to indicate, that in your judgment, I have redeemed in some degree the pledge which I made you when about to enter upon the duties of this laborious and responsible position.

I can confidently say that it has been my constant endeavor to administer the rules of this House, and the general parliamentary law to the extent of my poor abilities, with even temper, and without partiality.

I am not so vain as to flatter myself that I have not often fallen into errors, or to suppose that my manner at times has not been liable to exceptions. For these infirmities, gentlemen, I crave your indulgent judgment, and I think no man who is conscious of the frailties and weaknesses of our common nature, and the difficulties of this position, will be inclined to deny me this.

After a long, laborious, and I may say important session, we are now, gentlemen, about to part, and it is beyond the reach of human probability that we can all ever meet again in this world. This Hall, which has sent up for a time past the busy hum of business, which has witnessed on many occasions anxious and throbbing hearts, and has often re-echoed to the stirring lands of intellectual strife, will soon be deserted and silent.

The hour of parting at the close of a legislative session, is a solemn and impressive time; it is a time calculated to touch our hearts, and raise our thoughts above and beyond this transitory scene. Let us then, gentlemen, in parting forget the heats which have occasionally arisen, and all asperities to which they have given rise—let us hope that the result of our common labors may redound to the prosperity of our beloved Alabama, and return to the bosom of our families and friends with mutual feelings of personal kindness and good will.

I bid you all, gentlemen, a kindly farewell.

I now pronounce that this House stands adjourned *sine die*.

W. GARRETT,

Speaker of the House of Representatives.

Attest:

MALCOM D. GRAHAM, Clerk.

MONTGOMERY, February 18th, 1854.

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